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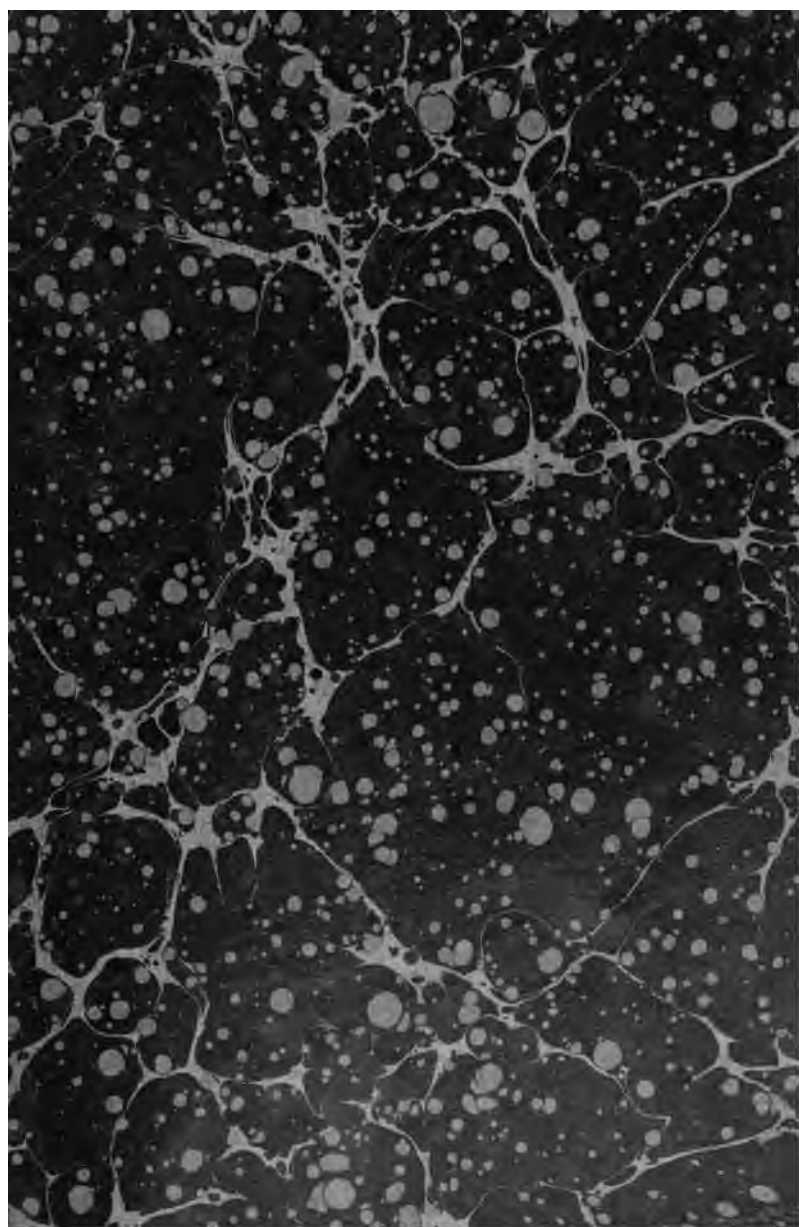
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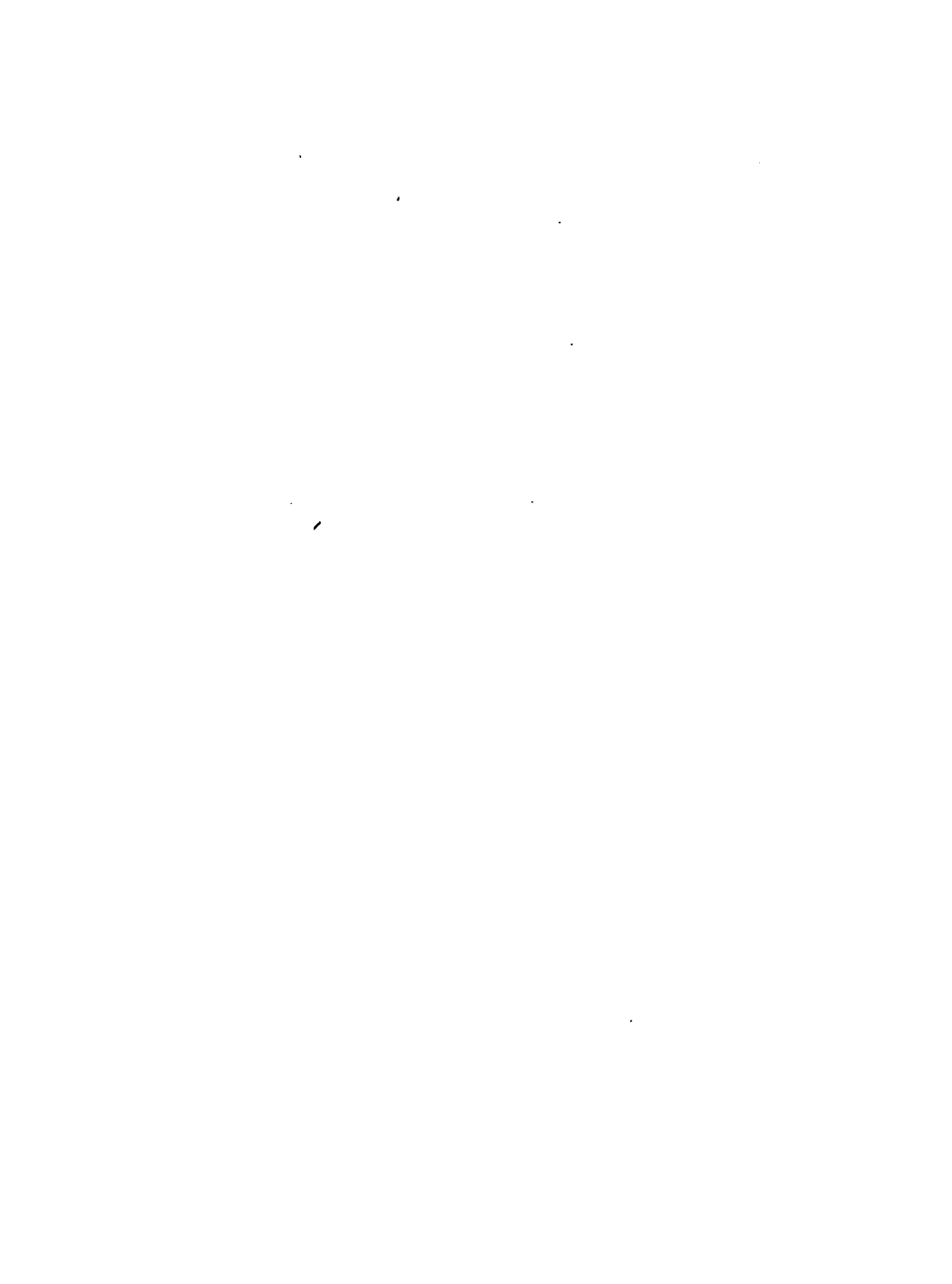
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# American History Leaflets

COLONIAL AND CONSTITUTIONAL.

EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING

OF HARVARD UNIVERSITY.

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NO. 1.

JANUARY, 1892.

THE LETTER OF COLUMBUS TO  
LUIS DE SANT ANGEL, ANNOUNCING HIS  
DISCOVERY, WITH EXTRACTS FROM  
HIS JOURNAL.

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NEW YORK

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# American History Leaflets

COLONIAL AND CONSTITUTIONAL.

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NO. I.—JANUARY, 1892.

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## THE LETTER OF COLUMBUS

TO

LUIS DE SANT ANGEL,

ANNOUNCING HIS DISCOVERY, WITH EXTRACTS FROM HIS JOURNAL.

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Our knowledge of the discovery of America by Columbus is based on his Journal and on letters which he wrote before reaching Spain, or immediately after. One of these letters, addressed to Luis de Sant Angel or Santangel, is here given. Santangel, Treasurer of Aragon, had befriended Columbus in his time of need, and had provided, by his influence, the funds for equipping the fleet. The original of this letter is lost, but a manuscript copy was in existence in the early years of the present century. Three printed copies have been found, though the genuineness of two of them have been doubted. The following translation is based on that in *The Letter in Spanish of Christopher Columbus . . . announcing the Discovery*, London, Ellis and Elvey, 1889, which contains a *fac simile* copy of one of the suspected texts. This translation has been carefully compared with that by Major (*Select Letters of Columbus*, London, Hakluyt Society, 1870, pp. 1-17) and with that by Kettell (*A Personal Narrative of the First Voyage of Columbus*, Boston, 1827, pp. 253-264), and with the original Spanish text as given by Major. Many corrections have been made and the language in places simplified and made more concise. For bibliographical details see Winsor, *America*, II. pp. 46-51, and Winsor, *Columbus*, p. 11.



Following the letter is an extract from the Journal describing the actual discovery of land. The original of the Journal is lost, but an abridgment by Las Casas was used by the early Spanish writers and has come down to us. It is printed in Navarette, *Coleccion de los Viages y Descubrimientos*, I. pp. 1-66. A translation is given by Kettell in the *Personal Narrative*, pp. 9-238, and the later portions are to be found in English in Becher, *Landfall of Columbus*, in G. V. Fox's *Attempt to Solve the Problem of the First Landing Place of Columbus*, U. S. Coast Survey, Report for 1880, Appendix 18 and elsewhere, cf. Winsor, *America*, II. p. 46. The translation given by Mr. Fox was made with the greatest care by Mr. H. L. Thomas of the State Department, and is the text here used.

#### LETTER TO SANT ANGEL.

SIR :

As I know you will be rejoiced at the glorious success that our Lord has given me in my voyage, I write this to tell you how in thirty-three days I sailed to the Indies with the fleet that the illustrious King and Queen, our Sovereigns, gave me, where I discovered a great many islands, inhabited by numberless people; and of all I have taken possession for their Highnesses by proclamation and display of the Royal Standard without opposition. To the first island I discovered I gave the name of San Salvador, in commemoration of His Divine Majesty, who has wonderfully granted all this. The Indians call it Guanaham. The second I named the Island of Santa Maria de Concepcion; the third, Fernandina; the fourth, Isabella; the fifth, Juana; and thus to each one I gave a new name. When I came to Juana, I followed the coast of that isle toward the west, and found it so extensive that I thought it might be the mainland, the province of Cathay; and as I found no towns nor villages on the sea-coast, except a few small settlements, where it was impossible to speak to the people, because they fled at once, I continued the said route, thinking I could not fail to see some great cities or towns; and finding at the end of many leagues that nothing new appeared, and that the coast led northward, contrary to my wish, because the winter had already set in, I decided to make for the south, and as the wind also was against my proceeding, I determined not to wait there longer, and turned back to a certain harbor whence I sent two men to find out whether there was any king or large city. They explored for three days, and found countless small communities and people, without number, but with no kind of government, so they returned.

I heard from other Indians I had already taken that this land

was an island, and thus followed the eastern coast for one hundred and seven leagues, until I came to the end of it. From that point I saw another isle to the eastward, at eighteen leagues' distance, to which I gave the name of Hispaniola. I went thither and followed its northern coast to the east, as I had done in Juana, one hundred and seventy-eight leagues eastward, as in Juana. This island, like all the others, is most extensive. It has many ports along the sea-coast excelling any in Christendom—and many fine, large, flowing rivers. The land there is elevated, with many mountains and peaks incomparably higher than in the centre isle. They are most beautiful, of a thousand varied forms, accessible, and full of trees of endless varieties, so high that they seem to touch the sky, and I have been told that they never lose their foliage. I saw them as green and lovely as trees are in Spain in the month of May. Some of them were covered with blossoms, some with fruit, and some in other conditions, according to their kind. The nightingale and other small birds of a thousand kinds were singing in the month of November when I was there. There were palm trees of six or eight varieties, the graceful peculiarities of each one of them being worthy of admiration as are the other trees, fruits and grasses. There are wonderful pine woods, and very extensive ranges of meadow land. There is honey, and there are many kinds of birds, and a great variety of fruits. Inland there are numerous mines of metals and innumerable people. Hispaniola is a marvel. Its hills and mountains, fine plains and open country, are rich and fertile for planting and for pasturage, and for building towns and villages. The seaports there are incredibly fine, as also the magnificent rivers, most of which bear gold. The trees, fruits and grasses differ widely from those in Juana. There are many spices and vast mines of gold and other metals in this island. They have no iron, nor steel, nor weapons, nor are they fit for them, because although they are well-made men of commanding stature, they appear extraordinarily timid. The only arms they have are sticks of cane, cut when in seed, with a sharpened stick at the end, and they are afraid to use these. Often I have sent two or three men ashore to some town to converse with them, and the natives came out in great numbers, and as soon as they saw our men arrive, fled without a moment's delay although I protected them from all injury.

At every point where I landed, and succeeded in talking to them, I gave them some of everything I had—cloth and many other things—without receiving anything in return, but they are a hopelessly timid people. It is true that since they have gained more confidence and are losing this fear, they are so unsuspicious and so generous with what they possess, that no one who had not seen it would believe it. They never refuse anything that is asked for. They even offer it themselves, and show so much love that they would give their very hearts. Whether it be anything of great or small value, with any trifle of whatever kind, they are satisfied. I forbade worthless things being given to them, such as bits of broken bowls, pieces of glass, and old straps, although they were as much pleased to get them as if they were the finest jewels in the world. One sailor was found to have got for a leathern strap, gold of the weight of two and a half castellanos, and others for even more worthless things much more; while for a new *blancas* they would give all they had, were it two or three castellanos of pure gold or an arroba or two of spun cotton. Even bits of the broken hoops of wine casks they accepted, and gave in return what they had, like fools, and it seemed wrong to me. I forbade it, and gave a thousand good and pretty things that I had to win their love, and to induce them to become Christians, and to love and serve their Highnesses and the whole Castilian nation, and help to get for us things they have in abundance, which are necessary to us. They have no religion, nor idolatry, except that they all believe power and goodness to be in heaven. They firmly believed that I, with my ships and men, came from heaven, and with this idea I have been received everywhere, since they lost fear of me. They are, however, far from being ignorant. They are most ingenious men, and navigate these seas in a wonderful way, and describe everything well, but they never before saw people wearing clothes, nor vessels like ours. Directly I reached the Indies in the first isle I discovered, I took by force some of the natives, that from them we might gain some information of what there was in these parts; and so it was that we immediately understood each other, either by words or signs. They are still with me and still believe that I come from heaven. They were the first to declare this wherever I went, and the others ran from *house to house, and to the towns around, crying out, "Come!*

come ! and see the men from heaven !” Then all, both men and women, as soon as they were reassured about us, came, both small and great, all bringing something to eat and to drink, which they presented with marvellous kindness. In these isles there are a great many canoes, something like rowing boats, of all sizes, and most of them are larger than an eighteen-oared galley. They are not so broad, as they are made of a single plank, but a galley could not keep up with them in rowing, because they go with incredible speed, and with these they row about among all these islands, which are innumerable, and carry on their commerce. I have seen some of these canoes with seventy and eighty men in them, and each had an oar. In all the islands I observed little difference in the appearance of the people, or in their habits and language, except that they understand each other, which is remarkable. Therefore I hope that their Highnesses will decide upon the conversion of these people to our holy faith, to which they seem much inclined. I have already stated how I sailed one hundred and seven leagues along the sea-coast of Juana, in a straight line from west to east. I can therefore assert that this island is larger than England and Scotland together, since beyond these one hundred and seven leagues there remained at the west point two provinces where I did not go, one of which they call Avan, the home of men with tails. These provinces are computed to be fifty or sixty leagues in length, as far as can be gathered from the Indians with me, who are acquainted with all these islands. This other, Hispaniola, is larger in circumference than all Spain from Catalonia to Fuentarabia in Biscay, since upon one of its four sides I sailed one hundred and eighty-eight leagues from west to east. This is worth having, and must on no account be given up. I have taken possession of all these islands, for their Highnesses, and all may be more extensive than I know, or can say, and I hold them for their Highnesses, who can command them as absolutely as the kingdoms of Castile. In Hispaniola, in the most convenient place, most accessible for the gold mines and all commerce with the mainland on this side or with that of the great Khan, on the other, with which there would be great trade and profit, I have taken possession of a large town, which I have named the City of Navidad. I began fortifications there which should be completed by this

time, and I have left in it men enough to hold it, with arms, artillery, and provisions for more than a year; and a boat with a master seaman skilled in the arts necessary to make others; I am so friendly with the king of that country that he was proud to call me his brother and hold me as such. Even should he change his mind and wish to quarrel with my men, neither he nor his subjects know what arms are, nor wear clothes, as I have said. They are the most timid people in the world, so that only the men remaining there could destroy the whole region, and run no risk if they know how to behave themselves properly. In all these islands the men seem to be satisfied with one wife, except they allow as many as twenty to their chief or king. The women appear to me to work harder than the men, and so far as I can hear they have nothing of their own, for I think I perceived that what one had others shared, especially food. In the islands so far, I have found no monsters, as some expected, but, on the contrary, they are people of very handsome appearance. They are not black as in Guinea, though their hair is straight and coarse, as it does not grow where the sun's rays are too ardent. And in truth the sun has extreme power here, since it is within twenty-six degrees of the equinoctial line. In these islands there are mountains where the cold this winter was very severe, but the people endure it from habit, and with the aid of the meat they eat with very hot spices.

As for monsters, I have found no trace of them except at the point in the second isle as one enters the Indies, which is inhabited by a people considered in all the isles as most ferocious, who eat human flesh. They possess many canoes, with which they overrun all the isles of India, stealing and seizing all they can. They are not worse looking than the others, except that they wear their hair long like women, and use bows and arrows of the same cane, with a sharp stick at the end for want of iron, of which they have none. They are ferocious compared to these other races, who are extremely cowardly; but I only hear this from the others. They are said to make treaties of marriage with the women in the first isle to be met with coming from Spain to the Indies, where there are no men. These women have no feminine occupation, but use bows and arrows of *cane like those before mentioned*, and cover and arm them-

selves with plates of copper, of which they have a great quantity. Another island, I am told, is larger than Hispaniola, where the natives have no hair, and where there is countless gold; and from them all I bring Indians to testify to this. To speak, in conclusion, only of what has been done during this hurried voyage, their Highnesses will see that I can give them as much gold as they desire, if they will give me a little assistance, spices, cotton, as much as their Highnesses may command to be shipped, and mastic as much as their Highnesses choose to send for, which until now has only been found in Greece, in the isle of Chios, and the Signoria can get its own price for it; as much lign-aloe as they command to be shipped, and as many slaves as they choose to send for, all heathens. I think I have found rhubarb and cinnamon. Many other things of value will be discovered by the men I left behind me, as I stayed nowhere when the wind allowed me to pursue my voyage, except in the City of Navidad, which I left fortified and safe. Indeed, I might have accomplished much more, had the crews served me as they ought to have done. The eternal and almighty God, our Lord, it is Who gives to all who walk in His way, victory over things apparently impossible, and in this case signally so, because although these lands had been imagined and talked of before they were seen, most men listened incredulously to what was thought to be but an idle tale. But our Redeemer has given victory to our most illustrious King and Queen, and to their kingdoms rendered famous by this glorious event, at which all Christendom should rejoice, celebrating it with great festivities and solemn Thanksgivings to the Holy Trinity, with fervent prayers for the high distinction that will accrue to them from turning so many peoples to our holy faith; and also from the temporal benefits that not only Spain but all Christian nations will obtain. Thus I record what has happened in a brief note written on board the *Caravel*, off the Canary Isles, on the 15th of February, 1493.

Yours to command,

THE ADMIRAL.

*Postscript within the letter.*

Since writing the above, being in the Sea of Castile, so much wind arose south southeast, that I was forced to lighten the vessels, to run into this port of Lisbon to-day which was the most extraordinary thing in the world, from whence I resolved to write to their Highnesses. In all the Indies I always found the temperature like that of May. Where I went in thirty-three days I returned in twenty-eight, except that these gales have detained me fourteen days, knocking about in this sea. Here all seamen say that there has never been so rough a winter, nor so many vessels lost. Done the 14th day of March.

This letter Columbus sent to the Chancellor of the Exchequer, from the Islands discovered in the Indies, enclosed in another to their Highnesses.

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EXTRACTS FROM THE JOURNAL.

*Wednesday, October 10.*

He sailed west southwest, at the rate of ten miles an hour and occasionally twelve, and at other times seven, running between day and night fifty-nine leagues; he told the men only forty-four. Here the crew could stand it no longer, they complained of the long voyage, but the Admiral encouraged them as best he could, giving them hopes of the profits that they might have, and he added that it was useless to murmur because he had come to the Indies, and was so going to continue until he found them, with God's help.

*Thursday, October 11.*

He sailed to the west southwest, had a high sea, higher than hitherto. They saw pardelas [birds] and floating by the vessel a green rush. The men of the *Pinta* saw a reed and a stick, and got a small stick, apparently cut or worked with an iron instrument, and a piece of cane and some other grass which grows on the land, and a small board. Those of the caravel *Niña* also saw other indications of land and a little stick loaded with dog roses. In view of such signs

they breathed more freely and grew cheerful. They ran until sunset of that day twenty-seven leagues. After sunset he sailed on his first course to the west; they went about twelve miles an hour and two hours after midnight they had run about ninety miles, that is, twenty-two and a half leagues. As the caravel *Pinta* was a better sailer and had the lead, she made land and showed the signals ordered by the Admiral. The land was first seen by a sailor called Rodrigo de Triana; as the Admiral at ten o'clock at night, standing on the castle of the poop saw a light, but so indistinct that he did not dare to affirm that it was land; yet he called the attention of Pero Gutierrez, a king's butler, to it, and told him that it seemed to be a light, and told him to look, he did so and saw it; he did the same with Rodrigo Sanchez de Segovia, whom the King and Queen had sent with the fleet as supervisor and purveyor, but he, not being in a good position for seeing it, saw nothing. After the Admiral said this it was seen once or twice, and it was like a small wax candle that was being hoisted and raised, which would seem to few to mean indication of land. The Admiral, however, was quite convinced of the proximity of land. In consequence of that when they said the *Salve*, which they used to sing and say it in their way, all the sailors and all being present, the Admiral requested and admonished them to keep a sharp lookout at the castle of the bow, and to look well for land, and said that he would give to him who first saw land a silk doublet, besides the other rewards that the King and Queen had promised, namely an annual pension of ten thousand maravedis to him who should see it first. Two hours after midnight the land appeared about two leagues off. They lowered all the sails, leaving only a storm square sail, which is the mainsail without bonnets, and lay to until Friday, when they reached a small island of the Lucayos, called Guanahani by the natives. They soon saw people naked, and the Admiral went on shore in the armed boat, also Martin Alonso Pinzon and Vincente Yanez, his brother, who was commander of the *Niña*. The Admiral took the Royal standard and the captains with two banners of the Green Cross, which the Admiral carried on all the ships as a distinguishing flag, having an F and a Y; each letter surmounted by its crown, one at one arm of the cross and the other at the other arm. As soon as they



landed they saw trees of a brilliant green, abundance of water and fruits of various kinds. The Admiral called the two captains and the rest who had come on shore, and Rodrigo Descovedo, the Notary of the fleet, and Rodrigo Sanchez de Segovia, and he called them as witnesses to certify that he, in presence of them all, was taking, as he, in fact took, possession of said island for the King and Queen, his masters, making the declarations that were required, as they will be found more fully in the attestations then taken down in writing.

The following passages from the Journal are added in this second edition from *The Journal of Christopher Columbus*, translated with notes by Clements R. Markham, Hakluyt Society Publications, 1894 :

[Continuation of the entry under October 11.]

Presently many inhabitants of the island assembled. What follows is in the actual words of the Admiral in his book of the first navigation and discovery of the Indies. "I," he says, "that we might form great friendship, for I knew that they were a people who could be more easily freed and converted to our holy faith by love than by force, gave to some of them red caps, and glass beads to put round their necks, and many other things of little value, which gave them great pleasure, and made them so much our friends that it was a marvel to see. They afterwards came to the ship's boats where we were, swimming and bringing us cotton threads in skeins, darts, and many other things; and we exchanged them for other things that we gave them, such as glass beads and small bells. In fine, they took all, and gave what they had with good will. It appeared to me to be a race of people very poor in everything. . . . They are very well made, with very handsome bodies, and very good countenances. Their hair is short and coarse, almost like the hairs of a horse's tail. They wear the hairs brought down to the eyebrows, except a few locks behind, which they wear long and never cut. They paint themselves black, and they are the color of the Canarians, neither black nor white. Some paint themselves white, others red, and others of what color they find. Some paint their faces, others the whole body, some only round the eyes, others only on the nose. They neither carry nor know anything of arms, for I showed them

swords, and they took them by the blade and cut themselves through ignorance. They have no iron, their darts being wands without iron, some of them have a fish's tooth at the end, and others being pointed in various ways. They are all of fair stature and size, with good faces, and well made. I saw some with marks of wounds on their bodies, and I made signs to ask what it was, and they give me to understand that people from other adjacent islands came with the intention of seizing them, and that they defended themselves. I believed, and still believe, that they come here from the mainland to take them prisoners. They should be good servants and intelligent, for I observed that they quickly took in what was said to them, and I believe that they would easily be made Christians, as it appeared to me that they had no religion. I, our Lord being pleased, will take hence, at the time of my departure, six natives for your Highnesses, that they may learn to speak. I saw no beast of any kind except parrots, on this island." The above is in the words of the Admiral.

*Saturday, October 13.*

"As soon as dawn broke many of these people came to the beach, all youths, as I have said, and all of good stature, a very handsome people. Their hair is not curly, but loose and coarse, like horse hair. In all the forehead is broad, more so than in any other people I have hitherto seen. Their eyes are very beautiful and not small, and themselves far from black, but the color of the Canarians. Nor should anything else be expected, as this island is in a line east and west from the island of Hierro in the Canaries. Their legs are very straight, all in one line, and no belly, but very well formed. They came to the ship in small canoes, made out of the trunk of a tree like a long boat, and all of one piece, and wonderfully worked, considering the country. They are large, some of them holding forty to forty-five men, others smaller, and some only large enough to hold one man. They are propelled with a paddle like a baker's shovel, and go at a marvelous rate. If the canoe capsizes they all promptly begin to swim, and to bale it out with calabashes that they take with them. They brought skeins of cotton thread, parrots, darts,

and other small things which it would be tedious to recount, and they give all in exchange for anything that may be given to them. I was attentive, and took trouble to ascertain if there was gold. I saw that some of them had a small piece fastened in a hole they have in the nose, and by signs I was able to make out that to the south, or going from the island to the south, there was a king who had great cups full, and who possessed a great quantity. I tried to get them to go there, but afterwards I saw that they had no inclination. I resolved to wait until to-morrow in the afternoon and then to depart, shaping a course to the S.W., for, according to what many of them told me, there was land to the S., to the S.W., and N.W., and that the natives from the N.W. often came to attack them, and went on to the S.W. in search of gold and precious stones.

“This island is rather large and very flat, with bright green trees, much water, and a very large lake in the centre, without any mountain, and the whole land so green that it is a pleasure to look on it. The people are very docile, and for the longing to possess our things, and not having any thing to give in return, they take what they can get, and presently swim away. Still, they give away all they have got, for whatever may be given to them, down to broken bits of crockery and glass. I saw one give 16 skeins of cotton for three *ceotis* of Portugal, equal to one *blanca* of Spain, the skeins being as much as one *arroba* of cotton thread. I shall keep it, and shall allow no one to take it, preserving it all for your Highnesses, for it may be obtained in abundance. It is grown in this island, though the short time did not admit of my ascertaining this for a certainty. Here also is found the gold they wear fastened in their noses. But, in order not to lose time, I intend to go and see if I can find the island of Cipango [Japan]. Now, as it is night, all the natives have gone on shore with their canoes.”

*Sunday, October 21.*

“At ten o'clock I arrived here, off this islet, and anchored, as well as the caravels. After breakfast I went on shore, and found only one house, in which there was no one, and I supposed they had fled from fear, because all their property was

left in the house. I would not allow anything to be touched, but set out with the captains and people to explore the island. If the others already seen are very beautiful, green, and fertile, this is much more so, with large trees and very green. Here there are large lagoons with wonderful vegetation on their banks. Throughout the island all is green, and the herbage like April in Andalusia. The songs of the birds were so pleasant that it seemed as if a man could never wish to leave the place. The flocks of parrots concealed the sun; and the birds were so numerous, and of so many different kinds, that it was wonderful. There are trees of a thousand sorts, and all have their several fruits; and I feel the most unhappy man in the world not to know them, for I am well assured that they are all valuable. I bring home specimens of them, and also of the land. Thus walking along round one of the lakes I saw a serpent, which we killed, and I bring home the skin for your Highnesses. As soon as it saw us it went into the lagoon, and we followed, as the water was not very deep, until we killed it with lances. It is 7 *palmas* long, and I believe that there are many like it in these lagoons. Here I came upon some aloe, and I have determined to take ten quintals on board to-morrow, for they tell me that they are worth a good deal. Also, while in search of good water, we came to a village about half a league from our anchorage. The people, as soon as they heard us, all fled and left their houses, hiding their property in the wood. I would not allow a thing to be touched, even the value of a pin. Presently some men among them came to us, and one came quite close. I gave him some bells and glass beads, which made him very content and happy. That our friendship might be further increased, I resolved to ask him for something; I requested him to get some water. After I had gone on board, the natives came to the beach with calabashes full of water, and they delighted much in giving it to us. I ordered another string of glass beads to be presented to them, and they said they would come again to-morrow. I wished to fill up all the ships with water at this place, and if there should be time, I intended to search the island until I had had speech with the king, and seen whether he had the gold of which I had heard. I shall then shape a course for another much larger island.

which I belive to be Cipango, judging from the signs made by the Indians I bring with me. They call it *Cuba*, and they say that there are ships and many skilful sailors there. Beyond this island there is another called *Bosio*, which they also say is very large, and others we shall see as we pass, lying between. According as I obtain tidings of gold or spices I shall settle what should be done. I am still resolved to go to the mainland and the city of Guisay [Kinsay in China], and to deliver the letters of your Highnesses to the Gran Can, requesting a reply and returning with it."

*Sunday, October 28.*

"I went thence in search of the island of Cuba on a S.S.W. coast, making for the nearest point of it, and entered a very beautiful river without danger of sunken rocks or other impediments. All the coast was clear of dangers up to the shore. The mouth of the river was 12 *brazos* across, and it was wide enough for a vessel to beat in. I anchored about a lombard-shot inside." The Admiral says that "he never beheld such a beautiful place, with trees bordering the river, handsome, green, and different from ours, having fruits and flowers each one according to its nature."

*Christmas, Tuesday, December 25.*

Navigating yesterday, with little wind, from *Santo Tomé* to *Punta Santa*, and being a league from it, at about eleven o'clock at night the Admiral went down to get some sleep, for he had not had any rest for two days and a night. As it was calm, the sailor who steered the ship thought he would go to sleep, leaving the tiller in the charge of a boy. The Admiral had forbidden this throughout the voyage, whether it was blowing or whether it was calm. The boys were never to be entrusted with the helm. The Admiral had no anxiety respecting sand-banks and rocks, because, when he sent the boats to that king on Sunday, they had passed to the east of *Punta Santa* at least three leagues and a half, and the sailors had seen all the coasts and the rocks there are from *Punta Santa* for a distance of three leagues to the E.S.E. They saw the course that should be taken, which had not been the case before, during this voyage. It pleased our Lord

that, at twelve o'clock at night, when the Admiral had retired to rest, and when all had fallen asleep, seeing that it was a dead calm and the sea like glass, the tiller being in the hands of a boy, the current carried the ship on one of the sand-banks. If it had not been night the bank could have been seen, and the surf on it could be heard for a good league. But the ship ran upon it so gently that it could scarcely be felt. The boy, who felt the helm and heard the rush of the sea, cried out. The Admiral at once came up, and so quickly that no one had felt that the ship was aground. Presently the master of the ship [Juan de la Cosa], whose watch it was, came on deck. The Admiral ordered him and others to launch the boat, which was on the poop, and lay out an anchor astern. The master, with several others, got into the boat, and the Admiral thought that they did so with the object of obeying his orders. But they did so in order to take refuge with the caravel, which was half a league to leeward. The caravel would not allow them to come on board, acting judiciously, and they therefore returned to the ship; but the caravel's boat arrived first. When the Admiral saw that his own people fled in this way, the water rising and the ship being across the sea, seeing no other course, he ordered the masts to be cut away and the ship to be lightened as much as possible, to see if she would come off. But, as the water continued to rise, nothing more could be done. Her side fell over across the sea, but it was nearly calm. Then the timbers opened, and the ship was lost. The Admiral went to the caravel to arrange about the reception of the ship's crew, and as a light breeze was blowing from the land, and continued during the greater part of the night, while it was unknown how far the bank extended, he hove her to until daylight. He then went back to the ship, inside the reef; first having sent a boat on shore with Diego de Arana of Cordova, Alguazil of the Fleet, and Pedro Gutierrez, Gentlemen of the King's Bed-chamber to inform the king, who had invited the ships to come on the previous Saturday.

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OF HARVARD UNIVERSITY.

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NO. 2.

MARCH, 1892.

THE OSTEND MANIFESTO,  
1854.

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## COLONIAL AND CONSTITUTIONAL.

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NO. 2.—MARCH, 1892.

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### THE OSTEND MANIFESTO, 1854.

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From the beginning of the dissolution of the Spanish power in America, American statesmen have cast longing eyes upon Cuba. Its nearness, its fertility, its mineral wealth and its command of the Gulf of Mexico have made it desirable. These general reasons were reinforced by the annexation of Louisiana in 1803, and of the Floridas in 1819, suggesting further extensions of territory at the expense of Spain. After the successful revolt of Mexico in 1822 had destroyed the power of Spain on the continent, Jefferson in a letter to President Monroe, Oct. 24, 1823, said: "I candidly confess that I have ever looked on Cuba as the most interesting addition which could be made to our system of States." An additional reason for the interest of the United States was a fear that Great Britain might secure the island. About 1823 our minister to Spain was instructed to notify the Spanish government that we should resent a transfer to any other power. This state of suspicion continued for more than twenty years. About 1845 a new reason for annexation arose, in the desire of Southern statesmen to secure more slaveholding territory. In 1848 an offer of one hundred million dollars for Cuba was made by the United States; the reply of the Spanish government was that "Sooner than see the island transferred to any Power they would prefer seeing it sunk in the ocean."

During the years 1848-1850 several attempts were made to bring about a revolution in Cuba, and expeditions were fitted out in the United

States to assist this movement. President Taylor resolutely interfered but the disturbing effect in Europe was such that, on April 23, 1852, the English and French ambassadors to the United States joined in asking this government to unite with them in a tripartite guaranty of Cuba to Spain.

On Dec. 1, Secretary Everett in behalf of President Fillmore formally declined to enter into such a guaranty. The question now began to spring up in debates in Congress. On the other hand American vessels trading with Cuba were exposed to arbitrary annoyances and even seizures, and reparation was refused by Spain.

Partly as a threat, to bring about a settlement of claims for these aggressions, and partly as an announcement of a spirited foreign policy, President Pierce in 1854 directed our ministers to Spain, England and France—Soulé, Buchanan and Mason—"To compare opinions and to adopt measures for perfect concert of action in aid of the negotiations at Madrid." The three envoys assembled at Ostend, Oct. 8, 1854, whence they later adjourned to Aix-la-Chapelle. There they completed and published the document which follows. The United States was just passing through the Congressional election of 1854, the result of which was the formation of a new political party pledged to resist the extension of slavery. In Europe the Crimean war for several years absorbed attention. The Ostend Manifesto had therefore less effect than had been hoped. But as late as 1860 the Breckenridge and Douglas Democratic platforms both contained planks in favor of the annexation of Cuba.

The Manifesto was published in the European and American press at the time. It has been reprinted in Cluskey's *Political Text-Book* or *Encyclopedia* pp. 478-481 (Philadelphia, 1860). The official text with the correspondence is to be found in *House Executive Documents*, 33 Cong. 2 Sess., Vol. X. Doc. 93.

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AIX LA CHAPELLE, *October 18, 1854.*

SIR:—The undersigned, in compliance with the wish expressed by the President in the several confidential despatches you have addressed to us, respectively, to that effect, have met in conference, first at Ostend, in Belgium, on the 9th, 10th, and 11th instant, and then at Aix la Chapelle, in Prussia, on the days next following, up to the date hereof.

There has been a full and unreserved interchange of views and sentiments between us, which we are most happy to inform you has resulted in a cordial coincidence of opinion on the grave and important subjects submitted to our consideration.

We have arrived at the conclusion, and are thoroughly convinced, that an immediate and earnest effort ought to be made by the government of the United States to purchase *Cuba from Spain* at any price for which it can be obtained, *not exceeding the sum of \$*

The proposal should, in our opinion, be made in such a manner as to be presented through the necessary diplomatic forms to the Supreme Constituent Cortes about to assemble. On this momentous question, in which the people both of Spain and the United States are so deeply interested, all our proceedings ought to be open, frank, and public. They should be of such a character as to challenge the approbation of the world.

We firmly believe that, in the progress of human events, the time has arrived when the vital interests of Spain are as seriously involved in the sale, as those of the United States in the purchase, of the island and that the transaction will prove equally honorable to both nations.

Under these circumstances we cannot anticipate a failure, unless possibly through the malign influence of foreign powers who possess no right whatever to interfere in the matter.

We proceed to state some of the reasons which have brought us to this conclusion, and, for the sake of clearness, we shall specify them under two distinct heads:

1. The United States ought, if practicable, to purchase Cuba with as little delay as possible.

2. The probability is great that the government and cortes of Spain will prove willing to sell it, because this would essentially promote the highest and best interests of the Spanish people.

Then, 1. It must be clear to every reflecting mind that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery.

From its locality it commands the mouth of the Mississippi and the immense and annually increasing trade which must seek this avenue to the ocean.

On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembody themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

The natural and main outlet to the products of this entire

population, the highway of their direct intercourse with the Atlantic and the Pacific States, can never be secure, but must ever be endangered whilst Cuba is a dependency of a distant power in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

Its immediate acquisition by our government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants.

The intercourse which its proximity to our coasts begets and encourages between them and the citizens of the United States, has, in the progress of time, so united their interests and blended their fortunes that they now look upon each other as if they were one people and had but one destiny.

Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States.

The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten an insurrection at every moment which may result in direful consequences to the American people.

Cuba has thus become to us an unceasing danger, and a permanent cause of anxiety and alarm.

But we need not enlarge on these topics. It can scarcely be apprehended that foreign powers, in violation of international law, would interpose their influence with Spain to prevent our acquisition of the island. Its inhabitants are now suffering under the worst of all possible governments, that of absolute despotism, delegated by a distant power to irresponsible agents, who are changed at short intervals, and who are tempted to improve the brief opportunity thus afforded to accumulate fortunes by the basest means.

As long as this system shall endure, humanity may in vain demand the suppression of the African slave trade in the island. This is rendered impossible whilst that infamous traffic remains an irresistible temptation and a source of immense profit to needy and avaricious officials, who, to attain their ends, scruple not to trample the most sacred principles under foot. The Spanish government at home may be well disposed,

but experience has proved that it cannot control these remote depositaries of its power.

Besides, the commercial nations of the world cannot fail to perceive and appreciate the great advantages which would result to their people from a dissolution of the forced and unnatural connexion between Spain and Cuba, and the annexation of the latter to the United States. The trade of England and France with Cuba would, in that event, assume at once an important and profitable character, and rapidly extend with the increasing population and prosperity of the island.

2. But if the United States and every commercial nation would be benefited by this transfer, the interests of Spain would also be greatly and essentially promoted.

She cannot but see what such a sum of money as we are willing to pay for the island would effect in the development of her vast natural resources.

Two-thirds of this sum, if employed in the construction of a system of railroads, would ultimately prove a source of greater wealth to the Spanish people than that opened to their vision by Cortez. Their prosperity would date from the ratification of the treaty of cession.

France has already constructed continuous lines of railways from Havre, Marseilles, Valenciennes, and Strasbourg, *via* Paris, to the Spanish frontier, and anxiously awaits the day when Spain shall find herself in a condition to extend these roads through her northern provinces to Madrid, Seville, Cadiz, Malaga, and the frontiers of Portugal.

This object once accomplished, Spain would become a centre of attraction for the travelling world, and secure a permanent and profitable market for her various productions. Her fields, under the stimulus given to industry by remunerating prices, would teem with cereal grain, and her vineyards would bring forth a vastly increased quantity of choice wines. Spain would speedily become, what a bountiful Providence intended she should be, one of the first nations of Continental Europe—rich, powerful, and contented.

Whilst two-thirds of the price of the island would be ample for the completion of her most important public improvements, she might, with the remaining forty millions, satisfy the demands now pressing so heavily upon her credit, and create a sinking fund which would gradually relieve her

from the overwhelming debt now paralyzing her energies.

Such is her present wretched financial condition, that her best bonds are sold upon her own Bourse at about one-third of their par value; whilst another class, on which she pays no interest, have but a nominal value, and are quoted at about one-sixth of the amount for which they were issued.

Besides, these latter are held principally by British creditors who may, from day to day, obtain the effective interposition of their own government for the purpose of coercing payment. Intimations to that effect have been already thrown out from high quarters, and unless some new source of revenue shall enable Spain to provide for such exigencies, it is not improbable that they may be realized.

Should Spain reject the present golden opportunity for developing her resources, and removing her financial embarrassments, it may never again return.

Cuba, in its palmiest days, never yielded her exchequer, after deducting the expenses of its government, a clear annual income of more than a million and a half of dollars. These expenses have increased to such a degree as to leave a deficit chargeable on the treasury of Spain to the amount of six hundred thousand dollars.

In a pecuniary point of view, therefore, the island is an incumbrance, instead of a source of profit, to the mother country.

Under no probable circumstances can Cuba ever yield to Spain one per cent, on the large amount which the United States are willing to pay for its acquisition. But Spain is in imminent danger of losing Cuba, without remuneration.

Extreme oppression, it is now universally admitted, justifies any people in endeavoring to relieve themselves from the yoke of their oppressors. The sufferings which the corrupt, arbitrary, and unrelenting local administration necessarily entails upon the inhabitants of Cuba, cannot fail to stimulate and keep alive that spirit of resistance and revolution against Spain, which has, of late years, been so often manifested. In this condition of affairs it is vain to expect that the sympathies of the people of the United States will not be warmly enlisted in favor of their oppressed neighbors.

We know that the President is justly inflexible in his determination to execute the neutrality laws; but should the

Cubans themselves rise in revolt against the oppression which they suffer, no human power could prevent citizens of the United States and liberal minded men of other countries from rushing to their assistance. Besides, the present is an age of adventure, in which restless and daring spirits abound in every portion of the world.

It is not improbable, therefore, that Cuba may be wrested from Spain by a successful revolution; and in that event she will lose both the island and the price which we are now willing to pay for it—a price far beyond what was ever paid by one people to another for any province.

It may also be remarked that the settlement of this vexed question, by the cession of Cuba to the United States, would forever prevent the dangerous complications between nations to which it may otherwise give birth.

It is certain that, should the Cubans themselves organize an insurrection against the Spanish government, and should other independent nations come to the aid of Spain in the contest, no human power could, in our opinion, prevent the people and government of the United States from taking part in such a civil war in support of their neighbors and friends.

But if Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances? Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at <sup>rent</sup> ~~rent~~ periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland and other similar cases which history records, yet the principle itself, though often abused, has always been recognized.

The United States have never acquired a foot of territory except by fair purchase, or, as in the case of Texas, upon the free and voluntary application of the people of that independent State, who desired to blend their destinies with our own.

Even our acquisitions from Mexico are no exception to this rule, because, although we might have claimed them by the right of conquest in a just war, yet we purchased them



for what was then considered by both parties a full and ample equivalent.

Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home.

Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure? We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union.

We fear that the course and current of events are rapidly tending towards such a catastrophe. We, however, hope for the best, though we ought certainly to be prepared for the worst.

We also forbear to investigate the present condition of the questions at issue between the United States and Spain. A long series of injuries to our people have been committed in Cuba by Spanish officials and are unredressed. But recently a most flagrant outrage on the rights of American citizens and on the flag of the United States was perpetrated in the

harbor of Havana under circumstances which, without immediate redress, would have justified a resort to measures of war in vindication of national honor. That outrage is not only unatoned, but the Spanish government has deliberately sanctioned the acts of its subordinates and assumed the responsibility attaching to them.

Nothing could more impressively teach us the danger to which those peaceful relations it has ever been the policy of the United States to cherish with foreign nations are constantly exposed than the circumstances of that case. Situated as Spain and the United States are, the latter have forborne to resort to extreme measures.

But this course cannot, with due regard to their own dignity as an independent nation, continue; and our recommendations, now submitted, are dictated by the firm belief that the cession of Cuba to the United States, with stipulations as beneficial to Spain as those suggested, is the only effective mode of settling all past differences and of securing the two countries against future collisions.

We have already witnessed the happy results for both countries which followed a similar arrangement in regard to Florida.

Yours, very respectfully,  
 JAMES BUCHANAN.  
 J. Y. MASON.  
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HON. WM. L. MARCY, *Secretary of State*.

[From the *House Executive Documents*, 33 Cong., 2 Sess., Vol. X. pp. 127-136].

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MAY, 1892.

EXTRACTS FROM THE SAGAS  
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## EXTRACTS FROM THE SAGAS DESCRIB- ING THE VOYAGES TO VINLAND.

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THE following extracts from the Sagas contain nearly all that is known of the voyages to Vinland of Leif Ericsson, Thorvald Ericsson, Thorfinn Karlsefni, and Biarni Heriulfsson. The translation used is that of Arthur Middleton Reeves in his *Finding of Wineland the Good*, London, Henry Frowde, 1890. Reeves also gives phototypic facsimiles of the more important manuscripts. The Friis Book was written not earlier than 1260 and is probably the oldest MS. in which any of these voyages is described. Hauk's Book was compiled between 1299 and 1334 and the Flatey Book was completed nearly a century later. No satisfactory explanation of the words *dagr*, *eyktarstadr*, and *dagmalastadr* has yet been given. Many scholars, among others Reeves and Storm, are inclined to accept only such portions of the Flatey Book as are confirmed by the earlier accounts. For further references, see Reeves's *Wineland*, and Winsor's *America*, I., 87 and following.

## THE FRIIS' BOOK STORY.

### VINLAND THE GOOD FOUND.

LEIF, a son of Eric the Red, passed this same winter, in good repute, with King Olaf, and accepted Christianity. And that summer, when Gizur went to Iceland, King Olaf sent Leif to Greenland to proclaim Christianity there. He sailed that summer to Greenland. He found men upon a wreck at sea and succoured them. Then likewise he discovered Vinland the Good, and arrived in Greenland in the autumn.

## THE STORY AS GIVEN IN HAUK'S BOOK.

### LEIF THE LUCKY FINDS VINLAND.

LEIF put to sea [from Norway] when his ship was ready for the voyage. For a long time he was tossed about upon the ocean, and came upon lands of which he had previously had no knowledge. There were self-sown wheat-fields and vines growing there. There were also those trees there which are called *mausur*, and of all these they took specimens. Some of the timbers were so large that they were used in building. Leif found men upon a wreck and took them home with him and procured quarters for them all during the winter.

### VOYAGE OF THORFINN KARLSEFNI AND SNORRI.

About this time there began to be much talk at Brattahlid, to the effect that Vinland the Good should be explored, for, it was said, that country must be possessed of many good qualities. And so it came to pass, that Karlsefni and Snorri fitted out their ship for the purpose of going in search of that country, in the spring. Biarni and Thorhall joined the expedition with their ship, and the men who had borne them company. . . . They had in all one hundred and sixty men, when they sailed away to the Western Settlement and thence to Bear Island. Thence they bore away to the southward two *dægr*. Then they saw land, and launched a boat, and explored the land, and found there large flat

stones, and many of these were twelve ells wide ; there were many Arctic foxes there. They gave a name to the country and called it Helluland [the land of flat stones]. Then they sailed with northerly winds two *dægr*, and land then lay before them, and upon it there was a great wood and many wild beasts ; and land lay off the land to the southeast, and there they found a bear, and they called this Biarney [Bear Island], while the land where the wood was they called Markland [Forest land]. Thence they sailed southward along the land for a long time, and came to a cape ; the land lay upon the starboard ; there were long strands and sandy banks there. They rowed to the land and found upon the cape there the keel of a ship, and they called it Kialarnes [Keelness] ; they also called the strands Furdustrandir [Wonder-strands], because they were so long to sail by. Then the country became indented with bays, and they steered their ships into a bay. It was when Leif was with King Olaf Tryggvason, and he bade him proclaim Christianity to Greenland, that the King gave him two Gaels [Scots] ; the man's name was Haki, and the woman's Haekia. The King advised Leif to have recourse to these people, if he should stand in need of fleetness, for they were swifter than deer. Eric and Leif had tendered Karlsefni the services of this couple. Now when they had sailed past Wonder-strands they put the Scots ashore and directed them to run to the southward, and investigate the nature of the country, and return again before the end of the third half-day. . . . Karlsefni and his companions cast anchor, and lay there during their absence, and when they came again, one of them carried a bunch of grapes, and the other an ear of self-sown wheat. They went on board the ship, whereupon Karlsefni and his followers held on their way, until they came to where the coast was indented with bays. They stood into a bay with their ships. There was an island at the mouth of the bay, about which there were strong currents, wherefore they called it Straumey [Stream Isle]. There were so many birds there, that it was scarcely possible to step between the eggs. They sailed through the firth and called it Straumfiord [Streamfirth], and carried their cargoes ashore from the ships and established themselves there. They had brought with them all kinds of livestock. It was a fine country there. There were mountains there-



abouts. They occupied themselves exclusively with the exploration of the country. They remained there during the winter, and they had taken no thought for this during the summer. The fishing began to fail and they began to fall short of food. . . .

It is said that Thorhall wished to sail to the northward beyond Wonder-strands, in search of Vinland, while Karlsefni desired to proceed to the southward, off the coast. Thorhall prepared for his voyage out below the island, having only nine men in his party. . . . Then they sailed away to the northward past Wonder-strands and Keelness, intending to cruise to the westward around the cape. They encountered westerly gales, and were driven ashore in Ireland, where they were grievously maltreated and thrown into slavery. There Thorhall lost his life, according to that which traders have related.

It is now to be told of Karlsefni that he cruised southward off the coast, with Snorri and Biarni and their people. They sailed for a long time, and until they came at last to a river, which flowed down from the land into a lake, and so into the sea. There were great bars at the mouth of the river, so that it could only be entered at the height of the flood-tide. Karlsefni and his men sailed into the mouth of the river, and called it there Hop [a small land-locked bay]. They found self-sown wheat-fields on the land there, wherever there were hollows, and wherever there was hilly ground, there were vines. Every brook there was full of fish. They dug pits, on the shore where the tide rose highest, and when the tide fell, there were halibut in the pits. There were great numbers of wild animals of all kinds in the woods. They remained there half a month and enjoyed themselves and kept no watch. They had their livestock with them. Now one morning early, when they looked about them, they saw a great number of skin canoes, and staves were brandished from the boats, with a noise like flails, and they were revolved in the same direction in which the sun moves. Then said Karlsefni: "What may this betoken?" Snorri, Thorbrand's son, answers him: "It may be that this is a signal of peace, wherefore let us take a white shield and display it." And thus they did. Thereupon the strangers rowed toward them, and went upon the land, marvelling at those whom they saw before them. They

were swarthy men, and ill-looking, and the hair of their heads was ugly. They had great eyes, and were broad of cheek. They tarried there for a time looking curiously at the people they saw before them, and then rowed away, and to the southward around the point.

Karlsefni and his followers had built their huts above the lake, some of their dwellings being near the lake, and others farther away. Now they remained there the winter. No snow came there, and all of their livestock lived by grazing. And when spring opened, they discovered, early one morning, a great number of skin-canoes, rowing from the south past the cape, so numerous, that it looked as if coals had been scattered broadcast out before the bay; and on every boat staves were waved. Thereupon Karlsefni and his people displayed their shields, and when they came together they began to barter with each other. Especially did the strangers wish to buy red cloth, for which they offered in exchange peltries and quite grey skins. They also desired to buy swords and spears, but Karlsefni and Snorri forbade this. In exchange for perfect unsullied skins, the Skrellings would take red stuff a span in length, which they would bind around their heads. So their trade went on for a time, until Karlsefni and his people began to grow short of cloth, when they divided it into such narrow pieces, that it was not more than a finger's breadth wide, but the Skrellings continued to give just as much for this as before, or more.

It so happened that a bull, which belonged to Karlsefni and his people, ran out from the woods, bellowing loudly. This so terrified the Skrellings, that they sped out to their canoes, and then rowed away to the southward along the coast. For three weeks nothing more was seen of them. At the end of that time, however, a great multitude of Skrelling boats was discovered approaching from the south, as if a stream were pouring down, and all their staves were waved in a direction contrary to the course of the sun, and the Skrellings were all uttering loud cries. Thereupon Karlsefni and his men took red shields and displayed them. The Skrellings sprang from their boats, and they met them, and fought together. . . .

It now seemed clear to Karlsefni and his people, that although the country thereabouts was attractive, their life

would be one of constant dread and turmoil by reason of the inhabitants of the country, so they forthwith prepared to leave and determined to return to their own country. They sailed to the northward off the coast, and found five Skrellings, clad in skin-doublets, lying asleep near the sea. There were vessels beside them, containing animal marrow, mixed with blood. Karlsefni and his company concluded that they must have been banished from their own land. They put them to death. They afterwards found a cape, upon which there was a great number of animals, and this cape looked as if it were one cake of dung, by reason of the animals which lay there at night. They now arrived again at Streamfirth, where they found great abundance of all those things of which they stood in need. Some men say that Biarni and Freydis remained behind there with a hundred men, and went no further; while Karlsefni and Snorri proceeded to the southward with forty men tarrying at Hop barely two months, and returning again the same summer. Karlsefni then set out with one ship, in search of Thorhall the Huntsman, but the greater part of the company remained behind. They sailed to the northward around Keelness, and then bore to the westward, having land to the larboard. The country there was a wooded wilderness, as far as they could see, with scarcely an open space; and when they had journeyed a considerable distance, a river flowed down from the east toward the west. They sailed into the mouth of the river, and lay to by the southern bank. . . .

Then they sailed away back toward the north, and believed that they had got sight of the land of the Unipeds; nor were they disposed to risk the lives of their men any longer. They concluded that the mountains of Hop, and those which they had now found, formed one chain, and this appeared to be so because they were about an equal distance removed from Streamfirth, in either direction. They sailed back and passed the third winter at Streamfirth. Then the men began to divide into factions, of which the women were the cause; and those who were without wives endeavored to seize upon the wives of those who were married, whence the greatest trouble arose. Snorri, Karlsefni's son, was born the first autumn, and he was three winters old when they took their departure. When they sailed away from Vinland, they had a southerly wind, and so came upon Markland, where they found five Skrellings, of whom one was bearded, two were women, and

two were children. Karlsefni and his people took the boys, but the others escaped, and these Skrellings sank down into the earth. They bore the lads away with them and taught them to speak, and they were baptized. They said that their mother's name was Vætildi, and their father's Uvægi. They said that kings governed the Skrellings, one of whom was called Avalldamon, and the other Valdidida. They stated, that there were no houses there, and that the people lived in caves or holes. They said that there was a land on the other side over against their country, which was inhabited by people who wore white garments, and yelled loudly, and carried poles before them, to which rags were attached; and people believed that this must have been White-men's-land or Ireland the Great. Now they arrived in Greenland, and remained during the winter with Eric the Red.

## THE FLATEY BOOK STORY.

### VOYAGE OF BIARNI HERIULFSSON.

BIARNI arrived with his ship at Eyra [in Iceland] in the summer of the same year, in the spring of which his father had sailed away [with Eric to Greenland]. These tidings seemed great to Biarni and he would not unload his cargo. His shipmates asked him what he intended to do, and he replied that it was his purpose to keep to his custom and receive from his father winter-quarters. "I will take the ship to Greenland if you will bear me company." They all replied that they would abide by his decision. Then said Biarni: "Our voyage must be regarded as foolhardy, seeing that no one of us has ever been in the Greenland sea." Nevertheless they put out to sea when they were equipped for the voyage and sailed for three days, until the land was hidden by the water, and then the fair wind died out, and north winds arose, and fogs, and they knew not whither they were drifting, and this lasted for many *dægr*. Then they saw the sun again and were able to determine the quarters of the heavens. They hoisted sail, and sailed that *dægr* through before they saw land. They discussed among themselves what land it could be, and Biarni said that he did not believe it could be Greenland. They asked whether he wished to sail to this land or not.

"It is my counsel to sail close to the land" [he said]. They did so, and soon saw that the land was level, and covered with woods, and that there were small hillocks upon it. They left the land on their larboard, and let the sheet turn toward the land. They sailed for two *dægr* before they saw another land. They asked whether Biarni thought this was Greenland yet. He replied that he did not think this any more like Greenland than the former, "because in Greenland there are said to be many great ice mountains." They soon approached the land, and saw that it was a flat and wooded country. The fair wind failed them then, and the crew took counsel together, and concluded that it would be wise to land there, but Biarni would not consent to this. They alleged that they were in need of both wood and water. "Ye have no lack of either of these," says Biarni—a course, forsooth, which won him blame among his shipmates. He bade them hoist sail, which they did, and turning the prow from the land they sailed out upon the high seas, with southwesterly gales, for three *dægr*, when they saw the third land. This land was high and mountainous with ice mountains upon it. They asked Biarni then whether he would land there, and he replied that he was not disposed to do so, "because this land does not appear to me to offer any attraction." Nor did they lower their sail, but held their course off the land, and soon saw that it was an island. They left this land astern, and held out to sea with the same fair wind. The wind waxed amain, and Biarni directed them to reef, and not sail at a speed unbefitting their ship and rigging. They now sailed for four *dægr*, when they saw the fourth land. Again they asked Biarni whether he thought this could be Greenland or not. Biarni answers; "This is like Greenland according to that which has been reported to me concerning it, and here we will steer to the land." They directed their course thither, and landed in the evening, below a cape upon which there was a boat, and there, upon this cape, dwelt Heriulf, Biarni's father, whence the cape took its name, and was henceforth called Heriulfness. Biarni now went to his father, gave up his voyaging, and remained with his father while Heriulf lived, and continued to live there after his death.

## LEIF'S VOYAGE TO GREENLAND.

The same summer he [King Olaf Tryggvason] sent Gizur and Hialti to Iceland, as has already been written. At that time King Olaf sent Leif to Greenland to preach Christianity there. The King sent with him a priest and certain other holy men to baptize the folk and teach them the true faith. Leif went to Greenland that summer and took [on board his vessel] a ship-crew of men, who were at the time in great peril upon a wreck. He arrived in Greenland late in the summer, and went home to his father, Eric, at Brattahlid, the people afterwards called him Leif the Lucky, but his father Eric, said that Leif's having rescued the crew and restored the men to life, might be balanced against the fact that he had brought the imposter to Greenland, so he called the priest. Nevertheless, through Leif's advice and persuasion Eric was baptized, and all the people of Greenland.

## LEIF'S VOYAGE TO VINLAND.

Next to this is now to be told how Biarni Heriulfsson came out from Greenland on a visit to Earl Eric, by whom he was well received. Biarni gave an account of his travels when he saw the lands, and the people thought him lacking in enterprise, since he had no report to give concerning these countries, and the fact brought him reproach. Biarni was appointed one of the Earl's men, and went out to Greenland the following summer. There was now much talk about voyages of discovery. Leif, the son of Eric the Red of Brattahlid, visited Biarni Heriulfsson and bought a ship of him, and collected a crew, until they formed altogether a company of thirty-five men. . . . One of the company was a Southern man named Tyrker. They put the ship in order, and when they were ready, they sailed out to sea, and found first that land which Biarni and his shipmates had found last. They sailed up to the land and cast anchor, and launched a boat and went ashore, and saw no grass there; great ice-mountains lay inland back from the sea, and it was a flat rock all the way from the sea to the ice-mountains, and the country seemed to them to be entirely devoid of good qualities. Then said Leif: "It has not come to pass with us in regard to this land as with Biarni, that we have not gone upon it."

To this country I will now give a name and call it Helluland." They returned to the ship, put out to sea, and found a second land. They sailed again to the land, and came to anchor, launched a boat, and went ashore. This was a level wooded land, and there were broad stretches of white sand, where they went, and the land was level by the sea. Then said Leif: "This land shall have a name after its nature, and we will call it Markland." They returned to the ship forthwith, and sailed away upon the main with northeast winds, and were out two *dægr* before they sighted land. They sailed to this land, and came to an island which lay to the northward off the land. There they went ashore and looked about them, the weather being fine, and they observed that there was dew upon the grass, and it so happened that they touched the dew with their hands, and touched their hands to their mouths, and it seemed to them that they had never before tasted anything so sweet as this. They went aboard their ship again and sailed into a certain sound, which lay between the island and a cape, which jutted out from the land on the north, and they stood in westering past the cape. At ebb-tide there were broad reaches of shallow water there, and they ran their ship aground there, and it was a long distance from their ship to the ocean; yet were they so anxious to go ashore that they could not wait till the tide should rise beneath their ship, but hastened to the land, where a certain river flows out from a lake. As soon as the tide rose beneath their ships, however, they took the boat and rowed to the ship, which they conveyed up the river, and so into the lake, where they cast anchor and carried their hammocks ashore from the ship, and built themselves huts there. They afterwards determined to establish themselves there for the winter, and they accordingly built a large house. There was no lack of salmon there, either in the river or in the lake, and larger salmon than they had ever seen before. The country thereabouts seemed to be possessed of such good qualities that cattle would need no fodder there during the winter. There was no frost there in the winters and the grass withered but little. The days and nights there were of more equal length than in Greenland or Iceland. On the shortest day of winter the sun was up between *eyk-tarstad* and *dagmalastad*. When they had completed their house Leif said to his companions: "I propose now to

divide our company into two groups, and set about an exploration of the country; one-half of our party shall remain at home at the house, while the other half shall investigate the land, and they must not go beyond a point from which they can return home the same evening, and they are not to separate [from each other]. Thus they did for a time, Leif himself, by turns, joined the exploring party or remained behind at the house. Leif was a large and powerful man, and of most imposing bearing, a man of sagacity, and a very just man in all things.

It was discovered one evening that one of their company was missing, and this proved to be Tyrker, the Southern man. Leif was sorely troubled by this, for Tyrker had lived with Leif and his father a very long time, and had been devoted to Leif, when he was a child. Leif severely reprimanded his companions, and prepared to go in search for him taking twelve men with him. They had proceeded but a short distance from the house when they were met by Tyrker, whom they received most cordially. Leif observed at once that his foster-father was in lively spirits. Tyrker had a prominent forehead, restless eyes, small in the face, diminutive in stature, and rather a sorry-looking individual withal, but was nevertheless, a most capable handicraftsman. Leif addressed him and asked: "Wherefore art thou so belated, foster-father mine, and astray from the others?" In the beginning Tyrker spoke for some time in German, rolling his eyes, and grinning, and they could not understand him. But after a time he addressed them in the Northern tongue: "I did not go much further, and yet I have something of novelty to relate. I have found vines and grapes." "Is this indeed true, foster-father?" said Leif. "Of a certainty it is true," quoth he, "for I was born where there is no lack of either grapes or vines." They slept the night through, and on the morrow Leif said to his shipmates: "We will now carry on two occupations, and each day will either gather grapes, or cut vines, or fell trees, so as to obtain a cargo of these for my ship." They acted upon the advice, and it is said, that their after-boat was filled with grapes. A cargo sufficient for the ship was cut, and when the spring came, they made their ship ready, and sailed away; and from its products Leif gave the land a name, and called it Vinland. They sailed out to sea and had fair winds until they sighted Greenland.



## VOYAGE OF THORVALD ERICSSON.

Now Thorvald, with the advice of his brother Leif, prepared to make this voyage with thirty men. They put their ship in order, and sailed out to sea; and there is no account of their voyage before their arrival at Leif's huts in Vinland. They laid up their ship there, and remained there quietly during the winter, supplying themselves with food by fishing. In the spring, however, Thorvald said they should put their ship in order, and that a few men should take the after-boat and proceed along the western coast, and explore thereabouts during the summer. They found it a fair, well-wooded country; it was but a short distance from the woods to the sea, and [there were] white sands, as well as great numbers of islands and shallows. They found neither dwellings of man nor lair of beasts; but in one of the westerly islands, they found a wooden building for the shelter of grain. They found no other trace of human handiwork, and they turned back, and arrived at Leif's huts in the autumn. The following summer Thorvald set out toward the east with the ship, and along the northern coast. They were met by a high wind off a certain promontory, and were driven ashore there, and damaged the keel of their ship, and were compelled to remain there a long time and repair the injury to their vessel. Then said Thorvald to his companions: "I propose that we raise the keel upon this cape, and call it Keelness," and so they did. Then they sailed away, to the eastward off the land, and into the mouth of the adjoining firth, and to a headland, which projected into the sea there, and which was entirely covered with woods. They found an anchorage for their ship, and put out the gangway to the land, and Thorvald and all of his companions went ashore. "It is a fair region here," said he, "and here I should like to make my home." They then returned to the ship, and discovered on the sands in beyond the headland, three mounds; they went up to these, and saw that they were three skin-canoes, with three men under each. They, thereupon, divided their party, and succeeded in seizing all the men but one, who escaped with his canoe. They killed the eight men, and then ascended the headland again, and looked about them, and discovered within the firth certain hillocks, which they concluded must be habitations. They

were then so overpowered with sleep that they could not keep awake, and all fell into a slumber, from which they were awakened by the sound of a cry uttered above them; and the words of the cry were these: "Awake, Thorvald, thou and all thy company, if thou wouldst save thy life; and board thy ship with all thy men, and sail with all speed from the land!" A countless number of skin-canoes then advanced toward them from the inner part of the firth, whereupon Thorvald exclaimed: "We must put out the war-boards on both sides of the ship, and defend ourselves to the best of our ability, but offer little attack." This they did, and the Skrellings, after they had shot at them for a time, fled precipitately, each as best he could. Thorvald then inquired of his men, whether any of them had been wounded, and they informed him that no one of them had received a wound. "I have been wounded under the arm," says he, "an arrow flew in between the gunwale and the shield, below my arm. Here is the shaft, and it will bring me to my end! I counsel you now to retrace your way with the utmost speed. But me ye shall convey to that headland which seemed to me to offer so pleasant a dwelling-place; thus it may be fulfilled, that the truth sprang to my lips, when I expressed the wish to abide there for a time. Ye shall bury me there, and place a cross at my head, and another at my feet, and call it Crossness forever after." At that time Christianity had obtained in Greenland; Eric the Red died, however, before [the introduction of] Christianity.

Thorvald died, and when they had carried out his orders, they took their departure, and rejoined their companions, and they each told the other of the experiences which had befallen them. They remained there during the winter, and gathered grapes and wood with which to freight the ship. In the following spring they returned to Greenland, and arrived with their ship in Eric's firth, where they were able to recount great tidings to Leif.

#### VOYAGE OF THORFINN KARLSEFNI.

That same summer a ship came from Norway to Greenland. The skipper's name was Thorfinn Karlsefni. . . . . A renewed discussion arose concerning a Vinland voyage, and the folk urged Karlsefni to make the venture, and Gud-

rid joined with the others. He determined to undertake the voyage, and assembled a company of sixty men and five women, and entered into an agreement with his shipmates that they should each share equally in all the spoils of the enterprise. They took with them all kinds of cattle as it was their intention to settle the country if they could. Karlsefni asked Leif for the house in Vinland, and he replied, that he would lend it but not give it. They sailed out to sea with the ship, and arrived safe and sound at Leif's huts, and carried their hammocks ashore there. They were soon provided with an abundant and goodly supply of food, for a whale of good size and quality was driven ashore there, and they secured it, and flensed it, and had then no lack of provisions. The cattle were turned out upon the land, and the males soon became very restless and vicious; and they had brought a bull with them. Karlsefni caused trees to be felled, and to be hewed into timbers, wherewith to load his ship, and the wood was placed upon a cliff to dry. They gathered somewhat of all the valuable products of the land, grapes, and all kinds of game and fish, and other good things.

In the summer succeeding the first winter, Skrellings were discovered. A great troop of men came forth from out the woods. The cattle were hard by, and the bull began to bellow and roar with a great noise, whereat the Skrellings were frightened, and ran away with their packs wherein were grey furs, sables, and all kinds of peltries. They fled towards Karlsefni's dwelling, and sought to effect an entrance into the house, but Karlsefni caused the doors to be defended [against them]. Neither could understand the other's language. The Skrellings put down their bundles then, and loosed them, and offered their wares, and were especially anxious to exchange these for weapons, but Karlsefni forbade his men to sell their weapons, and taking counsel with himself, he bade the women carry out milk to the Skrellings, which they no sooner saw than they wanted to buy it, and nothing else. Now the outcome of the Skrellings' trading was, that they carried their wares away in their stomachs, while they left their packs and peltries behind with Karlsefni and his companions, and having accomplished this they went away. Now it is to be told, that Karlsefni caused a strong wooden palisade to be constructed and set up around the house. *It was at this time, that Gudrid, Karlsefni's wife, gave birth to*

a male child, and the boy was called Snorri. In the early part of the second winter the Skrellings came to them again, and these were now much more numerous than before, and brought with them the same wares as at first. Then said Karlsefni to the woman: "Do ye carry out now the same food, which proved so profitable before and nought else." When they saw this they cast their packs in over the palisade. Gudrid was sitting within, in the doorway, beside the cradle of her infant son, Snorri, when a shadow fell upon the door, and a woman in a black namkirtle entered. She was short in stature, and wore a fillet about her head; her hair was of a light chestnut color, and she was pale of hue, and so big-eyed, that never before had eyes so large been seen in a human skull. She went up to where Gudrid was seated, and said, "What is thy name?" "My name is Gudrid, but what is thy name?" "My name is Gudrid," says she. The house-wife, Gudrid, motioned her with her hand to a seat beside her, but it so happened, that at that very instant Gudrid heard a great crash, whereupon the woman vanished and at the same moment one of the Skrellings, who had tried to seize their weapons, was killed by one of Karlsefni's followers. At this the Skrellings fled precipitately, leaving their garments and wares behind them; and not a soul, save Gudrid alone, beheld this woman. "Now we must needs take counsel together," says Karlsefni, "for that I believe they will visit us a third time, in great numbers, and attack us. Let us now adopt this plan: ten of our number shall go out upon the cape, and show themselves there, while the remainder of our company shall go into the woods and hew a clearing for the cattle, when the troop approaches from the forest. We will also take our bull and let him go in advance of us." The lie of the land was such that the proposed meeting-place had the lake upon the one side, and the forest upon the other. Karlsefni's advice was now carried into execution. The Skrellings advanced to the spot which Karlsefni had selected for the encounter, and a battle was fought there in which great numbers of the band of the Skrellings were slain. There was one man among the Skrellings, of large size and fine bearing, who Karlsefni concluded must be their chief. One of the Skrellings picked up an axe, and having looked at it for a time, he brandished it about one of his companions, and hewed at him, and on the

instant the man fell dead. Thereupon the big man seized the axe, and after examining it for a moment, he hurled it as far as he could out into the sea. Then they fled helter-skelter into the woods, and thus their intercourse came to an end. Karlsefni and his party remained there throughout the winter, but in the spring Karlsefni announces that he is not minded to remain there longer, but will return to Greenland. They now made ready for the voyage, and carried away with them much booty in vines, and grapes, and peltries. They sailed out upon the high seas, and brought their ship safely to Ericsfirth, where they remained during the winter.

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NO. 4.

JULY, 1892.

EXTRACTS FROM OFFICIAL DECLARATIONS  
OF THE UNITED STATES EMBODYING THE  
MONROE DOCTRINE.  
1789-1891.

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PRECISELY what is meant by the Monroe Doctrine is still a matter of discussion by historians and publicists; it is a system or principle which is to guide the United States in her relations with other American powers, and to determine her policy in questions relative to America arising with European powers. The doctrine has been formulated chiefly by the Presidents in public addresses or messages, or through despatches of the Secretary of State; hence it has been very differently stated at various times. In a few cases a part of the doctrine has been included in treaties, but no such treaty has ever been ratified by the Senate. The House of Representatives has at various times passed declaratory resolutions setting forth some phase of the doctrine.

The foundation of the Monroe Doctrine is the principle that the United States has no part in European international politics, but should keep out of "entangling alliances." In 1823, the attempt of Russia to



colonize a part of the region then called Oregon, and the threat that foreign powers would assist Spain to recover her revolted American colonies led to a declaration by Monroe, which is the first distinct assertion of the doctrine by a President. That part which related to colonization was later appealed to, as a reason for opposing foreign acquisition of Texas, Cuba and Mexico. The part relative to the "European political system" has sometimes been construed to mean that the United States was bound to protect American powers from foreign attack. By an extension of the doctrine beyond any statement of Monroe's it has been held to give the United States a kind of protectorate over other American powers, such as justified interference in case of war between two of our neighbors. The doctrine has also been invoked as asserting for the United States a paramount interest in and right to control, an interoceanic canal. In its extreme form the doctrine has sometimes been stated to be that it was "manifest destiny" that the whole continent of North America should fall to the United States.

The best discussions of the Monroe Doctrine are; George F. Tucker, *The Monroe Doctrine*, (Boston, 1885); Francis Wharton, *Digest of the International Law of the United States*, (Washington, 1886), §§. 57-61, 72; Richard H. Dana, *Wheaton's Elements of International Law*, (Boston, 1866), notes to pp. 97-112.

#### 1787. HAMILTON IN THE FÆDERALIST.

In the prosecution of military operations in the West Indies, it will readily be perceived, that a situation so favorable would enable us to bargain with great advantage for commercial privileges. A price would be set, not only upon our friendship, but upon our neutrality. By a steady adherence to the Union, we may hope, ere long, to become the Arbiter of Europe in America; and to be able to incline the balance of European competitions in this part of the world, as our interest may dictate.

But in the reverse of this eligible situation, we shall discover, that the rivalships of the parts would make them checks upon each other and would frustrate all the tempting advantages which nature has kindly placed within our reach. In a state so insignificant, our commerce would be a prey to the wanton intermeddlings of all nations at war with each other; who, having nothing to fear from us, would, with little scruple or remorse, supply their wants by depredations on our property, as often as it fell in their way. The rights of neutrality will only be respected, when they are defended by an adequate power. A nation, despicable by its weakness, *forfeits even the privilege of being neutral.*

*Under a vigorous National Government, the natural*

strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth. This situation would even take away the motive to such combinations, by inducing an impracticability of success. An active commerce, an extensive navigation, and a flourishing marine, would then be the inevitable offspring of moral and physical necessity. We might defy the little arts of little politicians to control or vary the irresistible and unchangeable course of nature.—*The Federalist*, No. XI.

1795, Dec. 8. WASHINGTON'S ANNUAL ADDRESS TO  
CONGRESS.

Contemplating the internal situation as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has imbibed other sufferings; while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burdens, which press upon all the departments of industry, and threaten to clog the future springs of government, our favored country, happy in a striking contrast, has enjoyed general tranquillity—a tranquillity the more satisfactory because maintained at the expense of no duty. Faithful to ourselves, we have violated no obligation to others.—Williams, *Statesman's Manual*, I., 61.

1796, Sept. 17. WASHINGTON'S FAREWELL ADDRESS.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have

none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest.—Williams, *Statesman's Manual*, I., 77.

1797, May 16. JOHN ADAMS'S SPECIAL MESSAGE.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves

always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us in the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which can never be forgotten or neglected.—Williams, *Statesman's Manual*, I., 111.

1801, Mar. 4. JEFFERSON'S INAUGURAL ADDRESS.

Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow-citizens, resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? . . . It is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration . . . peace, commerce, and honest friendship, with all nations—entangling alliances with none.—Williams, *Statesman's Manual*, I., 150–151.

1803, Oct. 17. JEFFERSON'S ANNUAL MESSAGE.

Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friend-

ship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force.—Williams, *Statesman's Manual*, I., 166.

#### 1812, Mar. 5. MONROE'S INAUGURAL ADDRESS.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may, in that event, be the object of the adverse party to upset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against.—Williams, *Statesman's Manual*, I., 393.

#### 1817, Dec. 2. MONROE'S FIRST ANNUAL MESSAGE.

It was anticipated, at an early stage, that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable, also, that the prosecution of the conflict, along our coasts and in contiguous countries, would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, *as to neutral powers*, equal rights. Our ports have been open

to both, and every article, the fruit of our soil or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state, that this government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to, or connection with us, which it may not then be their interest to form on the basis of a fair reciprocity.—Williams, *Statesman's Manual*, I., 398.

1818, Nov. 17. MONROE'S SECOND ANNUAL MESSAGE.

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are accredited, it appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceedings observed by the allied powers in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied, with the greatest satisfaction, because it is a course more consistent with justice, and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States with regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.—Williams, *Statesman's Manual*, I., 408.

1819, Dec. 7. MONROE'S THIRD ANNUAL MESSAGE.

This contest has from its commencement been very interesting to other powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limits of a strict neutrality; but it is not in their

power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this government to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state, that so strong has been the sense, throughout the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred.

The distance of the colonies from the parent-country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period it would be difficult for Spain to surmount. The steadiness, consistency, and success with which they have pursued their object, as evinced more particularly by the undisputed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments on the part of the United States, have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue those provinces will be fruitless, it may be presumed that the Spanish government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinions of friendly powers who have taken no part in the controversy will have their merited influence.—Williams, *Statesman's Manual*, I., 415-416.

1820, Oct. 2. SECRETARY ADAMS TO STRATFORD CANNING.

. . . Besides the two broad and decisive reasons which had been alleged, there were others, which it was best in candor to mention. The first was the general extra-European policy of the United States—a policy which they had always pursued as best suited to their own interests and best adapted to harmonize with those of Europe. This policy had also been that of Europe, which had never considered the United States as belonging to her system. The European alliance, consisting of the five principal powers, had, since the overthrow of the French revolutionary domination, regulated the affairs of all Europe without ever calling the United States to their consultations. It was best for both parties that they

should continue to do so; for if the United States should become a member of the body, they would even now be a power entitled to great influence, and in a very few years must become a first-rate power in the league. They would bring to it some principles not congenial to those of the other members, and those principles would lead to discussions tending to discord rather than to harmony.—John Quincy Adams, *Memoirs*, V., 182.

1820, Nov. 14. MONROE'S FOURTH ANNUAL MESSAGE.

No facts are known to this government to warrant the belief that any of the powers of Europe will take a part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this government.—Williams, *Statesman's Manual*, I., 422.

1821, Mar. 4. MONROE'S SECOND INAUGURAL ADDRESS.

This contest was considered, at an early stage, by my predecessor, a civil war, in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations.—Williams, *Statesman's Manual*, I., 428.

1821, Dec. 3. MONROE'S FIFTH ANNUAL MESSAGE.

It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the government of Spain, will be the



object of the government of the United States.—Williams, *Statesman's Manual*, I., 439.

1822, Mar. 8. MONROE'S SPECIAL MESSAGE.

. . . The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. . . . When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized. . . . Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprized; but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these provinces make the movement an affair of less interest and excitement to them than to us.—Williams, *Statesman's Manual*, I., 484-485.

1823, May 13. MINISTER GALLATIN TO CHATEAUBRIAND.

The United States would undoubtedly preserve their neutrality, provided it was respected, and avoid every interference with the politics of Europe. Even in the questions connected with South America they had not interfered, and, although their wishes were not doubtful, they had neither excited nor assisted the Spanish colonies. But I had every reason to believe that, on the other hand, they would not suffer others to interfere against the emancipation of America. If France was successful in her attack on Spain, and afterward attempted either to take possession of some of her colonies or to assist her in reducing them under their former yoke, I was of opinion *that the United States would oppose every undertaking of this kind.*—Albert Gallatin, *Writings*, II., 271.

1823, June 11. JEFFERSON TO MONROE.

With Europe we have few occasions of collisions, and these, with a little prudence and forbearance, may be generally accommodated. Of the brethren of our own hemisphere, none are yet, or for an age to come will be, in a shape, condition, or disposition to war against us. And the foothold which the nations of Europe had in either America is slipping from under them, so that we shall soon be rid of their neighborhood. Cuba alone seems at present to hold up a speck of war to us.—Thomas Jefferson, *Writings*, VII., 288.

1823, July 17. SECRETARY ADAMS TO THE RUSSIAN MINISTER.

. . . Baron Tuyl came. . . . I told him specially that we should contest the right of Russia to *any* territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for *any* new European colonial establishments.—John Quincy Adams, *Memoirs*, VI., 163.

1823, July 22. SECRETARY ADAMS TO MINISTER RUSH.

The Independence of the South American nations and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will, of course, be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be, that the American Continents, henceforth, will no longer be subject to *colonization*. Occupied by civilized, independent nations, they will be accessible to Europeans and each other on that footing alone.—*Register of Debates*, 1825-26, II., Pt. 2, p. 31.

1823, Nov. 7, 15, 25, 26. ADAMS'S ACCOUNT OF THE CABINET MEETINGS.

I remarked that the communications recently received from the Russian Minister, Baron Tuyl, afforded, as I thought, a

very suitable and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time to decline the overture of Great Britain. It would be more candid, as well as more dignified, to avow our principles explicitly to Russia and France, than to come in as a cock-boat in the wake of the British man-of-war.

This idea was acquiesced in on all sides.

. . . Calhoun is perfectly moon-struck by the surrender of Cadiz, and says the Holy Allies, with ten thousand men, will restore all Mexico and all South America to the Spanish dominion.

I did not deny that they might make a temporary impression for three, four, or five years, but I no more believe that the Holy Allies will restore the Spanish dominion upon the American continent than that the Chimborazo will sink beneath the ocean.

. . . Mr. Wirt made a question far more important, and which I had made at a much earlier stage of these deliberations. It was, whether we shall be warranted in taking so broadly the ground of resistance to the interposition of the Holy Alliance by force to restore the Spanish dominion in South America. It is, and has been, to me a fearful question. It was not now discussed; but Mr. Wirt remarked upon the danger of assuming the attitude of menace without meaning to strike, and asked, if the Holy Alliance *should* act in direct hostility against South America, whether this country would oppose them by war. My paper and the paragraph would certainly commit us as far as the Executive constitutionally could act on this point; and if we take this course, I should wish that a joint resolution of the two Houses of Congress should be proposed and adopted to the same purport.

. . . If, then, the Holy Allies should subdue Spanish America, however, they might at first set up the standard of Spain; the ultimate result of their undertaking would be to recolonize them, partitioned out among themselves. Russia might take California, Peru, Chili; France, Mexico—where we know she has been intriguing to get a monarchy under a Prince of the House of Bourbon, as well as at Buenos Ayres. And Great Britain, as her last resort, if she could not resist this course of *things*, would take at last the island of Cuba for her share of

the scramble. 'Then what would be our situation—England holding Cuba, France, Mexico?—John Quincy Adams, *Memoirs*, VI., 178–179, 186, 202, 207.

1823, Dec. 2. MONROE'S SEVENTH ANNUAL MESSAGE.

At the proposal of the Russian imperial government, made through the minister of the emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. . . . In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

. . . The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as

dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.

. . . Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere with the internal concerns of any of its powers; to consider the government, *de facto*, as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.—Williams, *Statesman's Manual*, I., 452-453, 460-461.

1824, Dec. 7. MONROE'S EIGHTH ANNUAL MESSAGE.

. . . These new states are settling down under governments, elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their *judgment we leave it*, in the expectation that other powers

will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.—Williams, *Statesman's Manual*, I., 475–476.

1825, Mar. 25. SECRETARY CLAY TO MINISTER POINSETT.

Whatever foundation may have existed three centuries ago, or even at a later period, when all this Continent was under European subjection, for the establishment of a rule, founded on priority of discovery and occupation, for apportioning among the Powers of Europe parts of this Continent, none can be now admitted as applicable to its present condition. There is no disposition to disturb the Colonial possessions, as they may now exist, of any of the European Powers; but it is against the establishment of new European Colonies upon this Continent that the principle is directed. The countries in which any such new establishments might be attempted are now open to the enterprise and commerce of all Americans. And the justice or propriety cannot be recognized, of arbitrarily limiting and circumscribing that enterprise and commerce, by the act of voluntarily planting a new Colony, without the

consent of America, under the auspices of foreign Powers be-  
longing to another and a distant Continent. Europe would be  
indignant at any American attempt to plant a Colony on any  
part of her shores, and her justice must perceive, in the rule  
contended for, only perfect reciprocity.

The other principle asserted in the message is, that, whilst we do not desire to interfere in Europe with the political system of the Allied Powers, we should regard, as dangerous to our peace and safety, any attempt, on their part, to extend their system to any portion of this hemisphere. The political systems of the two Continents are essentially different. Each has an exclusive right to judge for itself what is best suited to its own condition, and most likely to promote its happiness; but neither has a right to enforce upon the other the establishment of its peculiar system.—*Register of Debates*, 1825-26, II., Part 2, App., p. 84.

#### 1825, Dec. 26. ADAMS'S SPECIAL MESSAGE.

An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders, may be found advisable. This was, more than two years since, announced by my predecessor to the world, as a principle resulting from the emancipation of both the American Continents. It may be so developed to new Southern Nations, that they will all feel it as an essential appendage to their independence.—*Register of Debates*, 1825-26, II., Part 2, App., p. 43.

#### 1826, Mar. 15. ADAMS'S SPECIAL MESSAGE.

The late President of the United States, in his message to Congress of the second December, 1823, while announcing the negotiation then pending with Russia, relating to the Northwest coast of this continent, observed, that the occasion of the discussions to which that incident had given rise, had been taken for asserting as a principle in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European Power.

The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European Colonies, which it was in no wise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this, their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp, to the exclusion of others, a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States.—*Register of Debates*, 1825-26, II., Part 2, App., pp. 70-71.

1826, Apr. 20. DECLARATORY RESOLUTION OF THE  
HOUSE OF REPRESENTATIVES.

The House . . . do not intend to sanction any departure from the settled policy of this government; that in extending our commercial relation with foreign nations, we should have with them as little political connection as possible; and that we should preserve peace, commerce, and friendship with all nations, and form entangling alliances with none. It is therefore the opinion of this House, that the government of the United States ought not to be represented at the Congress of Panama, except in a diplomatic character, nor ought they to form any alliance, offensive or defensive, or negotiate respecting such an alliance with all or any of the Spanish American republics; nor ought they to become parties with them, or either of them, to any joint declaration for the purpose of preventing the interference of any of the European powers with their independence or form of government, or to any compact for the purpose of preventing colonization upon the continent of America; but that the people of the United States should be left free to act, in any crisis, in such a manner as their feelings of friendship toward these republics and as their own honor and policy may at the time dictate.—*House Journal*, 1825-26, pp. 451-452.



1826, May 8. SECRETARY CLAY'S INSTRUCTIONS TO THE  
ENVOYS TO THE PANAMA CONGRESS.

In December, 1823, the then President of the United States, in his annual message upon the opening of Congress, announced as a principle applicable to this continent, which ought hereafter to be insisted on, that no European nation ought to be allowed to plant upon it new colonies. It was not proposed by that principle to disturb pre-existing European colonies already established in America; the principle worked forward, not backward.—Wharton, *Digest of the International Law of the U. S.*, I., 280.

1845, Dec. 2. POLK'S FIRST ANNUAL MESSAGE.

The rapid extension of our settlements over our territories heretofore unoccupied, the addition of new states to our confederacy, the expansion of free principles, and our rising greatness as a nation, are attracting the attention of the powers of Europe; and lately the doctrine has been broached in some of them, of a "balance of power" on this continent, to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, cannot in silence permit any European interference on the North American continent; and should any such interference be attempted, will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations, that this government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can *not, therefore, view with indifference attempts of European*

powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It cannot be permitted to have any application on the North American continent, and especially to the United States. (We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent.) Near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is, at this day, but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.—Williams, *Statesman's Manual*, III., 1457-1458.

## 1848, Apr. 29. POLK'S SPECIAL MESSAGE.

While it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty" to either Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."—Wharton, *Digest of the International Law of the U. S.*, I., 287.

## 1848, June 3. SECRETARY BUCHANAN TO MINISTER HISE.

The independence as well as the interests of the nations on this continent require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American Republics, and to permit them to establish new colonies upon this continent, would be to jeopard their independence and ruin their interests. These truths ought everywhere throughout this continent to be impressed upon the public mind; but what can the United States do to resist such European interference whilst the Spanish-American Republics continue to weaken themselves by divisions and civil war, and deprive themselves of doing anything for their own protection?—Wharton, *Digest of the International Law of the U. S.*, I., 287-288.

## 1850, Apr. 19. CLAYTON-BULWER TREATY WITH ENGLAND.

ARTICLE I. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will *either make use of any protection which either affords or may*

afford, or any alliance which either has or may have to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same.—*Treaties and Conventions Concluded between the U. S. and Other Powers* (ed. of 1889.), p. 441.

1852, Dec. 1. SECRETARY EVERETT TO THE COMTE DE SARTIGES.

But the case would be different in reference to the transfer of Cuba from Spain to any other European power. That event could not take place without a serious derangement of the international system now existing, and it would indicate designs in reference to this hemisphere which could not but awake alarm in the United States.

We should view it in somewhat the same light in which France and England would view the acquisition of some important island in the Mediterranean by the United States. . . .

There is another strong objection to the proposed agreement. Among the oldest traditions of the Federal Government is aversion to political alliances with European powers.—Wharton, *Digest of the International Law of the U. S.*, I., 563-564.

1858, Oct. 21. SECRETARY CASS TO MINISTER DODGE.

[The United States] will not consent to the subjugation of any of the independent states of this continent to European powers, nor to the exercise of a protectorate over them, nor to any other direct political influences to control their policy or institutions.—Wharton, *Digest of the International Law of the U. S.*, I., 288.

1860, Sept. 20. SECRETARY CASS TO MINISTER McLANE.

While we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by force to control its political destiny. . . .

I have already referred to the extent of the principle of foreign interference which we maintain with regard to Mexico. It is proper to add that while that principle denies the right of any power to hold permanent possession of any part of that country, or to endeavor by force to direct or control its political destiny, it does not call in question its right to carry on hostile operations against that Republic for the redress of any real grievances it may have suffered. But we insist that such hostilities be fairly prosecuted for that purpose and be not converted into the means of acquisition or of political contract.—Wharton, *Digest of the International Law of the U. S.*, I., 299-300.

1860, Dec. 4. BUCHANAN'S FOURTH ANNUAL MESSAGE.

The time had arrived, in my opinion, when this Government was bound to exert its power to avenge and redress the wrongs of our citizens and to afford them protection in Mexico. . . . I deemed it my duty to recommend to Congress, in my last annual message, the employment of a sufficient military force to penetrate into the interior. . . . European Governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligation of resisting, even by force should this become necessary, any attempt by these Governments to deprive our neighboring republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people.—*Congressional Globe*, 1860-61, II., App., pp. 5-6.

1861, Apr. 6. SECRETARY SEWARD TO MINISTER CORWIN.

The President, as you are well aware, is of the opinion that, alienated from the United States as the Spanish American republics have been for some time past—largely, perhaps, by reason of errors and prejudices peculiar to themselves, and yet not altogether without fault on our own part—that those States, and the United States, nevertheless, in some respects, hold a common attitude and relation towards all other nations; that it is the interest of them all to be friends as they are *neighbors, and to mutually maintain and support each other*

so far as may be consistent with the individual sovereignty which each of them rightly enjoys, equally against all disintegrating agencies within and all foreign influences or powers without their borders.—*Senate Executive Documents*, 37 Cong., 2 Sess., I., 69.

1863, Sept. 26. SECRETARY SEWARD TO MINISTER DAYTON.

This government knows full well that the inherent normal opinion of Mexico favors a government there republican in form and domestic in its organization, in preference to any monarchical institutions to be imposed from abroad. This government knows, also, that this normal opinion of the people of Mexico resulted largely from the influence of popular opinion in this country, and is continually invigorated by it. The President believes, moreover, that this popular opinion of the United States is just in itself, and eminently essential to the progress of civilization on the American continent, which civilization, it believes, can and will, if left free from European resistance, work harmoniously together with advancing refinement on the other continents. This government believes that foreign resistance, or attempts to control American civilization, must and will fail before the ceaseless and ever-increasing activity of material, moral, and political forces, which peculiarly belong to the American continent. Nor do the United States deny that, in their opinion, their own safety and the cheerful destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America.—*House Executive Documents*, 38 Cong., 1 Sess., II., 782-783.

1863, Oct. 23. SECRETARY SEWARD TO MINISTER DAYTON.

Happily the French government has not been left uninformed that, in the opinion of the United States, the permanent establishment of a foreign and monarchical government in Mexico will be found neither easy nor desirable. You will inform Mr. Drouyn de l'Huys that this opinion remains unchanged. On the other hand, the United States cannot anticipate the action of the people of Mexico, nor have they the least purpose or desire to interfere with their proceedings, or control or interfere with their free choice, or disturb them in

the enjoyment of whatever institutions of government they may, in the exercise of an absolute freedom, establish.—*House Executive Documents*, 38 Cong., 1 Sess., II., 799.

1864, Apr. 4. RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

The Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico, and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical Government erected on the ruins of any republican Government in America under the auspices of any European Power.—*Congressional Globe*, 1863-64, II., p. 1408.

1865, Dec. 6. SECRETARY SEWARD TO THE MARQUIS DE MONTHALON.

The real cause of our national discontent is, that the French army which is now in Mexico is invading a domestic republican government there which was established by her people, and with whom the United States sympathize most profoundly, for the avowed purpose of suppressing it and establishing upon its ruins a foreign monarchical government, whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions. . . . The people of every State on the American continent have a right to secure for themselves a republican government if they choose, and . . . interference by foreign states to prevent the enjoyment of such institutions deliberately established is wrongful, and in its effects antagonistical to the free and popular form of government existing in the United States.—*Senate Executive Documents*, 39 Cong., 1 Sess., I., 100.

1866, June 2. SECRETARY SEWARD TO MINISTER KILPATRICK.

The policy of the United States in regard to the several *Spanish-American states* is, or ought to be, well known now,

after the exposition it has received during the last five years. We avoid in all cases giving encouragement to expectations, which, in the varying course of events, we might find ourselves unable to fulfill; and we desire to be known as doing more than we promise rather than falling short of our engagements. On the other hand, we maintain and insist, with all the decision and energy which is compatible with our existing neutrality, that the republican system which is accepted by the people in any one of those states shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war by European powers. We then give to those republics the moral support of a sincere, liberal, and, as we think it will appear, a useful friendship.—*House Executive Documents*, 39 Cong., 2 Sess., I., Pt. ii., p. 413.

1867, Mar. 27. RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

The people of the United States cannot regard the proposed confederation of the Provinces on the northern frontier of this country without extreme solicitude; . . . a confederation of States on this continent, extending from ocean to ocean, established without consulting the people of the Provinces to be united, and founded upon monarchical principles, cannot be considered otherwise than in contravention of the traditions and constantly declared principles of this Government, endangering its most important interests, and tending to increase and perpetuate embarrassments already existing between the two Governments immediately interested.—*Congressional Globe*, 1867, p. 392.

1869, Dec. 6. GRANT'S FIRST ANNUAL MESSAGE.

As the United States is the freest of all nations, so, too, its people sympathize with all people struggling for liberty and self-government. But while so sympathizing it is due to our honor that we should abstain from enforcing our views upon unwilling nations, and from taking an interested part, *without invitation*, in the quarrels between different nations or between Governments and their subjects.—*Congressional Globe*, 1869-70, I., 11.



1870, July 14. REPORT OF SECRETARY FISH TO PRESIDENT GRANT.

The United States stand solemnly committed by repeated declarations and repeated acts to this doctrine, and its application to the affairs of this continent. In his message to the two Houses of Congress at the commencement of the present session, the President, following the teachings of all our history, said that the existing "dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers."

This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American.

It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this government, as in the late contest between the South American republics and Spain, to interpose its good offices to secure an honorable peace. . . .

It will not be presumptuous after the foregoing sketch to say, with entire consideration for the sovereignty and national pride of the Spanish American republics, that the United States, by the priority of their independence, by the stability of their institutions, by the regard of their people for the forms of law, by their resources as a government, by their naval power, by their commercial enterprise, by the attractions which they offer to European immigration, by the prodigious internal development of their resources and wealth, and by the intellectual life of their population, occupy of necessity a prominent position on this continent which they neither can nor should abdicate, which entitles them to a leading voice, and which imposes upon them duties of right and of honor *regarding American* questions, whether those questions affect

emancipated colonies, or colonies still subject to European dominion.—*Senate Executive Documents*, 41 Cong., 2 Sess., III., No. 112, pp. 7, 9.

1870, Dec. 5. GRANT'S SECOND ANNUAL MESSAGE.

The allied and other republics of Spanish origin on this continent may see in this fact a new proof of our sincere interest in their welfare; of our desire to see them **blessed** with good governments, capable of maintaining **order** and of preserving their respective territorial **integrity**; and of our sincere wish to extend our own **commercial** and social relations with them. **The time** is not probably far distant when, in the **natural** course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish American States more closely to our own, and thus give the United States all the preëminence and all the advantages which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated, when they prepared to join in the congress of Panama.—*Congressional Globe*, 1870-71, I., p. 6.

1880, Mar. 8. HAYES'S SPECIAL MESSAGE.

An interoceanic canal across the American isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.—*Congressional Record*, 1879-80, II., 1399.

1831, June 1. SECRETARY BLAINE TO MINISTER MORGAN.

At this late day it needs no disclaimer on our part of the existence of even the faintest desire in the United States for territorial extension south of the Rio Grande. The boundaries of the two Republics have been long settled in conformity with the best jurisdictional interests of both. The line of demarkation is not conventional merely. It is more than that. It separates a Spanish-American people from a Saxon-American people. It divides one great nation from another with distinct and natural finality.—Wharton, *Digest of the International Law of the U. S.*; I., 331.

1881, Nov. 19. SECRETARY BLAINE TO MINISTER LOWELL.

✓ For self-protection to her own interests, therefore, the United States in the first instance asserts her right to control the Isthmus transit. And, secondly, she offers by such control that absolute neutralization of the canal as respects European powers which can in no other way be certainly attained and lastingly assured. . . .

If it be asked why the United States objects to the assent of European governments to the terms of neutrality for the operation of the canal, my answer is that the right to assent implies the right to dissent, and thus the whole question would be thrown open for contention as an international issue. It is the fixed purpose of the United States to confine it strictly and solely as an American question, to be dealt with and decided by the American Government.—Wharton, *Digest of the International Law of the U. S.*, II., 212, 214.

1881, Dec. 1. SECRETARY BLAINE TO MINISTER TRECOT.

The United States, with which Peru has for many years maintained the most cordial relations, has the right to feel and express a deep interest in its distressed condition, and while, with equal friendliness to Chili, we will not interpose to deprive her of the fair advantages of military success, nor put any obstacle to the attainment of future security, we cannot regard with unconcern the destruction of Peruvian nationality. If our good offices are rejected, and this policy of the absorption of an independent state be persisted in, this Government

will consider itself discharged from any further obligation to be influenced in its action by the position which Chili has assumed, and would hold itself free to appeal to the other Republics of this continent to join in an effort to avert consequences which cannot be confined to Chili and Peru, but, which threaten with extremest danger the political institutions, the peaceful progress, and the liberal civilization of all America.—Wharton, *Digest of the International Law of the U. S.*, I., 344.

1882, Jan. 9. SECRETARY FRELINGHUYSEN TO MINISTER TRESNOT.

Were the United States to assume an attitude of dictation toward the South American Republics, even for the purpose of preventing war, the greatest of evils, or to preserve the autonomy of nations, it must be prepared by Army and Navy to enforce its mandate, and, to this end, tax our people for the exclusive benefit of foreign nations.

The President's policy with the South American Republics and other foreign nations is that expressed in the immortal address of Washington, with which you are entirely familiar. What the President does seek to do is to extend the kindly offices of the United States impartially to both Peru and Chili, whose hostile attitude to each other he seriously laments.—Wharton, *Digest of the International Law of the U. S.*, I., 344.

1883, Jan. 4. SECRETARY FRELINGHUYSEN TO MINISTER REED.

On the ground that "the decision of American questions pertains to America itself," the Department of State will not sanction an arbitration by European states of South American difficulties, even with the consent of the parties.—Wharton, *Digest of the International Law of the U. S.*, I., 295.

1885, Dec. 8. CLEVELAND'S FIRST ANNUAL MESSAGE.

Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests

with our own. . . . Our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments. Therefore, I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end to be considered with favor should be free from the features alluded to.—*Congressional Record*, 1885-86, I., 110.

1889, Mar. 4. HARRISON'S INAUGURAL.

We have happily maintained a policy of avoiding all interference with European affairs. We have been only interested spectators of their contentions in diplomacy and in war, ready to use our friendly offices to promote peace, but never obtruding our advice, and never attempting unfairly to coin the distresses of other powers into commercial advantage to ourselves. We have a just right to expect that our European policy will be the American policy of European courts. It is so manifestly incompatible with those precautions for our peace and safety which all the great powers habitually observe and enforce in matters affecting them that a shorter waterway between our eastern and western seabords should be dominated by any European government that we may confidently expect that such a purpose will not be entertained by any friendly power.—*Congressional Record*, 1889-90, I., 3.

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# **American History Leaflets**

**COLONIAL AND CONSTITUTIONAL.**

**EDITED BY**

**ALBERT BUSHNELL HART AND EDWARD CHANNING  
OF HARVARD UNIVERSITY.**

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**NO. 5.**

**SEPTEMBER, 1892.**

**EXTRACTS FROM THE TREATY OF PARIS  
OF 1763.**

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**1892**

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## I.

### EXTRACTS FROM THE TREATY OF PARIS OF 1763.

The following documents are the first of a series of papers illustrating the territorial development of our country, especially of that portion west of the Alleghanies. For bibliography, see Winsor's *America*, V., 614, and VII., 543.

Traité définitif de paix et d'amitié entre la France, la Grande-Bretagne, et l'Espagne, signé à Paris, le 10 Février 1763.\*

ART. IV. S. M. T. Chr. renonce à toutes les prétentions qu'elle a formées autrefois ou pu former, à la Nouvelle-Ecosse, ou Acadie, en toutes ses parties, et la garantit tout entière, et avec toutes ses dépendances, au roi de la Grande-Bretagne. De plus, S. M. T. Chr. cède et garantit à sadite M. britannique, en toute propriété, le Canada, avec toutes ses dépendances, ainsi que l'île du Cap-Breton, et toutes les autres îles et côtes dans le golfe et fleuve Saint-Laurent, et généralement

\* Martens et Cussy. *Recueil de Traités*, Tom. I., p. 30.



tout ce qui dépend desdits pays, terres, îles et côtes, avec la souveraineté, propriété, possession, et tous droits acquis par traité ou autrement que le roi T. Chr. et la couronne de France ont eus jusqu'à présent sur lesdits pays, îles, terres, lieux, côtes, et leur habitants, ainsi que le roi T. Chr. cède et transporte le tout audit roi et à la couronne de la Grande-Bretagne, et cela de la manière et dans la forme la plus ample, sans restriction, et sans qu'il soit libre de revenir, sous aucun prétexte, contre cette cession et garantie, ni di troubler la Grande-Bretagne dans les possessions susmentionnées. De son côté, S. M. britannique convient d'accorder aux habitants du Canada la liberté de la religion catholique: en conséquence, elle donnera les ordres les plus précis et les plus effectifs pour que ses nouveaux sujets catholiques romains puissent professer le culte de leur religion, selon le rit de l'église romaine, en tant que le permettent les lois de la Grande-Bretagne. S. M. britannique convient en outre que les habitants français, ou autres qui auraient été sujets du roi T. Chr. en Canada, pourront se retirer, en toute sûreté et liberté, où bon leur semblera, et pourront vendre leurs biens, pourva que ce soit à des sujets de S. M. britannique, et transporter leurs effets, ainsi que leurs personnes, sans être gênés dans leur émigration, sous quelque prétexte que ce puisse être, hors celui de dettes ou de procès criminels. Le terme limité pour cette émigration sera fixé à l'espace de dix-huit mois, à compter du jour de l'échange des ratifications du présent traité.

ART. v. Les sujets de la France auront la liberté de la pêche et de la sécherie, sur une partie des côtes de l'île de Terre-Neuve, telle qu'elle est spécifiée par l'article XIII. du traité d'Utrecht; lequel article est renouvelé et confirmé par le présent traité (à l'exception de ce qui regarde l'île du Cap-Breton, ainsi que les autres îles et côtes dans l'embouchure et dans le golfe Saint-Laurent); et S. M. britannique consent de laisser aux sujets du roi T. Chr. la liberté de pêcher dans le golfe Saint-Laurent, à condition que les sujets de la France n'exercent ladite pêche qu'à la distance de trois lieues de toutes les côtes appartenantes à la Grande-Bretagne, soit celles du continent, soit celles des îles situées dans ledit golfe Saint-Laurent. Et pour ce qui concerne la pêche sur les côtes de l'île du Cap-Breton hors dudit golfe, il ne sera permis aux su

jets du roi T. Chr. d'exercer ladite pêche qu'à la distance de quinze lieues des côtes de l'île du Cap-Breton ; et la pêche sur les côtes de la Nouvelle-Ecosse ou Acadie, et partout ailleurs hors dudit golfe, restera sur le pied des traités antérieurs.

ART. VI. Le roi de la Grande-Bretagne cède les îles de Saint-Pierre et de Miquelon, en toute propriété, à S. M. T. Chr., pour servir d'abri aux pêcheurs français. Et sadite M. T. Chr. s'oblige à ne point fortifier lesdites îles, à n'y établir que des bâtimens civils pour la commodité de la pêche, et à n'y entretenir qu'une garde de cinquante hommes pour la police.

ART. VII. Afin de rétablir la paix sur des fondemens solides et durables, et écarter pour jamais tout sujet de dispute par rapport aux limites des territoires britanniques et français sur le continent de l'Amerique, il est convenu qu'à l'avenir les confins entre les états de S. M. britannique, et ceux de S. M. T. Chr., en cette partie du monde, seront irrévocablement fixés par une ligne tirée au milieu du fleuve Mississipi, depuis sa naissance jusqu' à la rivière, d'Iberville, et de là par une ligne tirée au milieu de cette rivière et des lacs Maurepas et Pontchartrain, jusqu'à la mer ; et à cette fin, le roi T. Chr. cède en toute propriété, et garantit à S. M. britannique, la rivière et le port de la Mobile, et tout ce qu'il possède ou a dû posséder du côté gauche du fleuve Mississipi, à l'exception de la ville de la Nouvelle-Orléans et de l'île dans laquelle elle est située, qui demeureront à la France. Bien entendu que la navigation du fleuve Mississipi sera également libre tant aux sujets de la Grande-Bretagne comme à ceux de la France, dans toute sa largeur et toute son étendue, depuis sa source jusqu'à la mer, et nommément cette partie qui est entre la susdite île de la Nouvelle-Orléans et la rive droite de ce fleuve, aussi bien que l'entrée et la sortie par son embouchure ; il est de plus stipulé que les bâtimens appartenans aux sujets de l'une ou de l'autre nation ne pourront être arrêtés, visités, ni assujettis au payement d'aucun droit quelconque. Les stipulations, insérées dans l'article IV., en faveur des habitans du Canada, auront lieu de même pour les habitans de pays cédés par cet article.

ART. XVIII. S. M. C. se désisté, tant pour elle que pour ses successeurs, de tout prétention qu'elle peut avoir formée en

faveur des Guipuscoans, et autres de ses sujets, au droit de pêcher aux environs de l'île de Terre-Neuve.

ART. XIX. Le roi de la Grande-Bretagne restituera à l'Espagne tout le territoire qu'il a conquis dans l'île de Cuba, avec la place de la Havane ; et cette place, aussi bien que toutes les autres places de ladite île, seront rendues dans le même état ou elles étaient quand elles ont été conquises par les armes de S. M. britannique. Bien entendu que les sujets de S. M. britannique qui se seraient établis, ou ceux qui auraient quelques affaires de commerce à régler dans ladite île, restituée à l'Espagne par le présent traité, auront la liberté de vendre leurs terres et leurs biens, de régler leurs affaires, de recouvrer leurs dettes, et de transporter leurs effets, ainsi que leurs personnes, à bord des vaisseaux, qu'il leur sera permis de faire venir à ladite île restituée comme dessus, et qui ne serviront qu'à cet usage seulement, sans être gênés à cause de leur religion, ou sous quelque autre prétexte que ce puisse être, hors celui de dettes ou de procès criminels. Et pour cet effet, le terme de dix-huit mois est accordé aux sujets de S. M. britannique, à compter du jour de l'échange des ratifications du présent traité. Mais comme la liberté accordée aux sujets de S. M. britannique, de transporter leurs personnes et leurs effets sur des vaisseaux de leur nation, pourrait être sujette à des abus, si l'on ne prenait la précaution de les prévenir, il a été convenu expressément entre S. M. britannique et S. M. C. que le nombre des vaisseaux anglais qui auront la liberté d'aller à ladite île restituée à l'Espagne sera limité, ainsi que le nombre de tonneaux de chacun ; qu'ils iront en lest, partiront dans un terme fixé et ne feront qu'un seul voyage, tous les effets appartenants aux Anglais devant être embarqués en même temps. Il a été convenu en outre que S. M. C. fera donner les passeports nécessaires pour lesdits vaisseaux ; que, pour plus grande sûreté, il sera libre de mettre deux commis, ou gardes espagnols, sur chacun desdits vaisseaux, qui seront visités dans les attéragés et ports de ladite île restituée à l'Espagne, et que les marchandises qui s'y pourront trouver seront confisquées.

ART. XX. En conséquence de la restitution stipulée dans l'article précédent, S. M. C. cède et garantit, en tout propriété, à S. M. britannique, la Floride, avec le fort de Saint-Augustin et la baie de Pensacola, ainsi que tout ce que l'Espagne pos-

sède sur le continent de l'Amerique septentrionale, à l'est ou au sud-est du fleuve Mississipi, et généralement tout ce qui dépend desdits pays et terres, avec la souveraineté, propriété, possession, et tous droits acquis par traités ou autrement, que le roi catholique et la couronne d'Espagne ont eus jusqu'à présent sur lesdits pays, terres, lieux et leurs habitants; ainsi que le roi catholique cède et transporte le tout audit roi et à la couronne de la Grande-Bretagne, et cela de la manière et de la forme la plus ample. S. M. britannique convient, de son côté, d'accorder aux habitants des pays ci-dessus cédés, la liberté de la religion catholique. En conséquence, elle donnera les ordres les plus exprès et les plus effectifs pour que ses nouveaux sujets catholiques romains puissent professer le culte de leur religion, selon le rit de l'Eglise romaine, en tant que le permettent les lois de la Grande-Bretagne. S. M. britannique convient, en outre, que les habitants espagnols, ou autres, qui auraient été sujets du roi catholique dans lesdits pays, pourront se retirer, en toute sûreté et liberté, où bon leur semblera, et pourront vendre leurs biens, pourvu que ce soit à des sujets de S. M. britannique, et transporter leurs effets, ainsi que leurs personnes, sans être gênés dans leur émigration, sous quelque prétexte que ce puisse être, hors celui de dettes ou de procès criminels. Le terme limité pour cette émigration étant fixé à l'espace de dix-huit mois, à compter du jour de l'échange des ratifications du présent traité. Il est de plus stipulé, que S. M. C. aura la faculté de faire transporter tous les effets qui peuvent lui appartenir, soit artillerie, ou autres.



#### TRANSLATION.\*

The Definitive Treaty of Friendship of Peace between his Britannic Majesty, the Most Christian King, and the King of Spain. Concluded at Paris, the 10th day of February, 1763; to which the King of Portugal acceded on the same day.

IV. His Most Christian Majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its parts; and guarantees the whole of it,

\* *The Gentleman's Magazine*, Vol. XXXIII., p. 121.

and with all its dependencies, to the King of Great Britain. Moreover, his Most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulf and river of St. Lawrence, and in general everything that depends on the said countries, lands, islands, coasts, with the sovereignty, property, possession, and all rights, acquired by treaty or otherwise, which the Most Christian King and the Crown of France have had, till now, over the said countries, islands, lands, coasts, and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretense, or to disturb Great Britain in the possessions above mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada. He will consequently give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish Church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees that the French inhabitants, or others who had been subjects of the Most Christian King in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to the subjects of his Britannic Majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretense whatsoever, except that of debts or of criminal prosecutions; the term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty.

v. The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as is specified in the thirteenth article of the Treaty of Utrecht, which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulf of St. Lawrence); and his Britannic Majesty consents to leave the subjects of the Most Christian King the

liberty of fishing in the gulf of St. Lawrence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said gulf of St. Lawrence. And as to what relates to the fishery on the coast of the island of Cape Breton out of the said gulf, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and everywhere else out of the said gulf, shall remain on the foot of former treaties.

VI. The King of Great Britain cedes the islands of St. Pierre and Miquelon, in full right, to his Most Christian Majesty, to serve as a shelter to the French fishermen; and his said Christian Majesty engages not to fortify the said islands, to erect no building upon them but merely for the convenience of the fishery, and to keep upon them a guard of fifty men only for the police.

VII. In order to re-establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, that for the future the confines between the dominions of his Britannic Majesty and those of his Most Christian Majesty in that part of the world shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose the Most Christian King cedes, in full right, and guarantees to his Britannic Majesty the river and port of the Mobile, and everything which he possesses, or ought to possess, on the left side the river Mississippi, except the town of New Orleans and the island on which it is situated shall remain to France; provided that the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passages both in and out of its mouth. It is further stipulated, that the vessels be-

longing to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations inserted in the fourth article in favor of the inhabitants of Canada shall also take place with regard to the inhabitants of the countries ceded by this article.

xviii. His Catholic Majesty desists, as well for himself as for his successors, from all pretensions which he may have formed in favor of the Guipuscoans, and other his subjects, to the right of fishing in the neighborhood of the island of Newfoundland.

xix. The King of Great Britain shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortress of the Havana, and this fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannic Majesty's arms; provided, that his Britannic Majesty's subjects who shall have settled in the said island restored to Spain by the present treaty, or those who shall have any commercial affairs to settle there, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels which they shall be permitted to send to the said island and restored as above, and which shall serve for that use only, without being restrained on account of their religion, or under any other pretense whatsoever, except that of debts or of criminal prosecutions: and for this purpose the term of eighteen months is allowed to his Britannic Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty: but as the liberty granted to his Britannic Majesty's subjects to bring away their persons and their effects in vessels of their nation may be liable to abuses if precautions were not taken to prevent them, it has been expressly agreed between his Britannic Majesty and his Catholic Majesty that the number of English vessels which shall have leave to go to the said island restored to Spain shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only, all the effects belonging to the English being to be embarked at the same time. It has been further agreed that his Catholic Majesty shall cause the necessary passports to be

given to the said vessels; that, for the greater security, it shall be allowed to place two Spanish clerks, or guards, in each of the said vessels, which shall be visited in the landing-places and ports of the said island restored to Spain, and that the merchandise which shall be found therein shall be confiscated.

xx. In consequence of the restitution stipulated in the preceding article, his Catholic Majesty cedes and guarantees, in full right, to his Britannic Majesty Florida, with Fort St. Augustine and the bay of Pensacola, as well as all that Spain possesses on the continent of North America to the east or to the southeast of the river Mississippi; and, in general, everything that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties and otherwise, which the Catholic King and the Crown of Spain have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholic King cedes and makes over the whole to the said King and to the Crown of Great Britain, and that in the most ample manner and form. His Britannic Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded the liberty of the Catholic religion: he will consequently give the most express and the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish Church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees that the Spanish inhabitants, or others who had been subjects of the Catholic King in the said countries, may retire with all safety and freedom wherever they think proper, and may sell their estates, provided it be to his Britannic Majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretense whatsoever, except that of debts or of criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholic Majesty shall have power to cause all the effects that may belong to him to be brought away, whether it be artillery or other things.



## II.

# THE KING'S PROCLAMATION OF OCTOBER 7th, 1763.\*

BY THE KING.

A PROCLAMATION.

GEORGE, R.

WHEREAS we have taken into our royal consideration the extensive and valuable acquisitions in America secured to our Crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands ceded and confirmed to us by the said treaty four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.:

Firstly, the government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the south end of the lake Nipissim; from whence the said line, crossing the river St. Lawrence and the lake Champlain in 45° of north latitude, passes along the highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea; and also along the north coast of the Baye des Chaleurs and the coast of the gulf of St. Lawrence to Cape Rosieres, and from thence,

\* *The Annual Register* for 1763, pp. 208-213.

crossing the mouth of the river St. Lawrence by the west of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly, the government of East Florida, bounded to the westward by the gulf of Mexico and the Appalachicola river; to the northward, by a line drawn from that part of the said river where the Chattahoochee and Flint rivers meet, to the source of the St. Mary's river, and by the course of the said river to the Atlantic Ocean; and to the east and south, by the Atlantic Ocean and the gulf of Florida, including all islands within six leagues of the sea-coast.

Thirdly, the government of West Florida, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Appalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Maurepas, and the river Mississippi; to the northward, by a line drawn due east from that part of the river Mississippi which lies in  $31^{\circ}$  north latitude, to the river Appalachicola, or Chattahoochee; and to the eastward, by the said river.

Fourthly, the government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Domenico, St. Vincent, and Tobago.

And to the end that the open and free fishery of our subjects may be extended to and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast, from the river St. John's to Hudson's Straits, together with the islands of Anticosti and Madelaine [Magdalen], and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our privy council, thought fit to annex the islands of St. John and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia all the lands lying between the rivers Altamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling our said new governments that our loving subjects should be informed of our paternal care for the security of the liberties

and properties of those who are and shall become inhabitants thereof; we have thought fit to publish and declare, by this our proclamation, that we have in the letters patent under our great seal of Great Britain, by which the said governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in or resorting to our said colonies may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us, in our privy council.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements, and hereditaments as are now, or here-

after shall be, in our power to dispose of, and them to grant to any such person or persons, upon such terms and under such moderate quit-rents, services, and acknowledgments as have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees and the improvement and settlement of our said colonies.

And whereas we are desirous, upon all occasions, to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North America, to grant, without fee or reward, to such reduced officers as have served in North America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject, at the expiration of ten years, to the same quit-rents as other lands are subject to in the province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz. :

To every person having the rank of a field officer, 5000 acres.

To every captain, 3000 acres.

To every subaltern or staff officer, 2000 acres.

To every non-commission officer, 200 acres.

To every private man, 50 acres.

We do likewise authorize and require the governors and commanders-in-chief of all our said colonies upon the continent of North America to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank as served on board our ships-of-war in North America at the times of the reduction of Louisbourg and Quebec in the late war, and who shall personally apply to our respective governors for such grants.

And whereas it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us,

are reserved to them, or any of them, as their hunting-grounds; we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander-in-chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretense whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor or commander-in-chief of our other colonies or plantations in America do presume for the present, and until our further pleasure be known, to grant warrants of survey or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest; or upon any lands whatever, which, not having been ceded to or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.

And we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either willfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands which, not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for

the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require, that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander-in-chief of our colony respectively within which they shall lie: and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose. And we do, by the advice of our privy council, declare and enjoin, that the trade with the said Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade, from the governor or commander-in-chief of any of our colonies respectively where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries, to be appointed for this purpose, to direct and appoint for the benefit of the said trade. And we do hereby authorize, enjoin, and require the governors and commanders-in-chief of all our colonies respectively, as well those under our immediate government as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever who, standing charged with treasons, misprisions of treasons, murders, or other

felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.

Given at our Court at St. James, the 7th day of October, 1763.

### III.

## COMMISSIONS TO GOVERNORS ELLIOT AND CHESTER OF WEST FLORIDA.\*

To all [to] whom these presents shall come, greeting:

I certify, that the writing contained on the annexed three pages, purporting to be extracts of two certain commissions granted by the British government to John Elliot and Peter Chester, therein named, constituting them, at different periods, governors of the province of West Florida, is truly copied from a record of commissions, which originated with that government whilst it was in possession of the said province, and was since obtained therefrom and deposited in this department.

In faith whereof, I, Robert Smith, secretary for the Department of State of the United States of America, have signed these presents, and caused the seal of my office to be affixed hereto at the city of Washington, this seventh day of July, A.D. 1810, and in the thirty-ninth year of the independence of the said States.

R. SMITH.

"George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to our trusty and well-beloved John Elliot, esquire, greeting:

"Whereas, we did, by our letters patent under our great seal of Great Britain, bearing date at Westminster, the twenty-first day of November, in the fourth year of our reign, constitute

\* From Duane's *Laws of the United States of America*, Vol. I., pp. 450-452.

and appoint George Johnstone, esquire, captain-general and governor-in-chief in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Appalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Maurepas, and the river Mississippi; to the northward, by a line drawn due east from that part of the river Mississippi which lies in 31<sup>0</sup> north latitude, to the river Appalachicola or Chattahoochee, and to the eastward by the said river. And whereas, by other our letters patent under our great seal of Great Britain, dated at Westminster, the sixth day of June, in the fourth year of our reign, we thought fit to revoke such part and so much of the said recited letters patent, and every clause, article, and thing therein contained, which doth any way relate to or concern the limits and bounds of our said province as above described, and did constitute and appoint the said George Johnstone to be our captain-general and governor-in-chief in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Appalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Maurepas, and the river Mississippi; to the northward, by a line drawn from the mouth of the river Yasous [Yazoo] where it unites with the Mississippi, due east to the river Appalachicola, during our will and pleasure. Now know you, That we have revoked and determined, and by these presents do revoke and determine, both the said recited letters patent, and every clause, article, and thing therein contained. And further know you, That we, reposing special trust and confidence in the prudence, courage, and loyalty, of you, the said John Elliot, of our special grace, certain knowledge, and mere motion have thought fit to constitute and appoint you, the said John Elliot, to be our captain-general and governor-in-chief of our said province of West Florida, comprehended within the limits and bounds above described, in our said last recited letters patent.

"Witness ourself, at Westminster, the fifteenth day of May, in the seventh year of our reign.

"YORKE."



"George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, to our trusty and well-beloved Peter Chester, esquire, greeting:

"We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said Peter Chester, of our special grace, certain knowledge, and mere motion have thought fit to constitute and appoint you, the said Peter Chester, to be our captain-general and governor-in-chief in and over our province of West Florida, in America, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Appalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Maurepas, and the river Mississippi; to the northward, by a line drawn from the mouth of the river Yasous [Yazoo] where it unites with the Mississippi, due east to the river Appalachicola, and to the eastward by the said river.

"Witness ourself, at Westminster, the twenty-fifth day of January, in the tenth year of our reign.

"YORKE."

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# American History Leaflets

COLONIAL AND CONSTITUTIONAL.

EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING,  
OF HARVARD UNIVERSITY.

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NO. 6.

NOVEMBER, 1892.

EXTRACTS FROM OFFICIAL PAPERS  
RELATING TO THE  
BERING SEA CONTROVERSY.  
1790-1892.

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FOUR serious international controversies have arisen out of the rival claims of Russia, Great Britain, Spain, and the United States to the shores and waters of the northwest coast of the continent of North America. The first of these was in consequence of an attempt of the Spanish Government, in 1790, to prevent the British from trading with the natives of that coast. It was settled by the Nootka Sound Convention of October 28, 1790, by which the subjects of both powers enjoyed equal privileges of trade to all points not already occupied.

The second controversy was the result of an attempt of Russia in 1821 to prohibit England and the United States from trading anywhere north of the fifty-first parallel, or to approach within one hundred Italian miles of the coast. Both governments energetically protested and secured treaties in 1824 and 1825, by which they retained the right of fishing and of landing on unoccupied points of that coast.

The third controversy was as to the division of the coast between Great Britain and the United States, Spain having by the treaties of 1824 and 1825 accepted the parallel of  $54^{\circ} 40'$  as her southern boundary. The rival claims of the two remaining powers, after long diplomatic dis-

cussion, were settled by the treaty of July 17, 1846, according to which the parallel of 49° was made the dividing line.

By the treaty of March 30, 1867, with Russia, all the dominions and claims of that country on the continent of North America and the outlying islands thereof were transferred to the United States. A further, and still pending, controversy arose in 1886 through the seizure by United States vessels of Canadian vessels engaged in the taking of seals in waters not far distant from the Aleutian Islands. The claim of the United States was that it had acquired from Russia exclusive rights in Behring Sea, at least with regard to seal fishing. The British Government representing the Canadians denied that there could be any exclusive rights outside three miles off shore. By an agreement of February 29, 1892, the question has been submitted to arbitration.

The principal authorities on this subject are: Charles B. Elliott, *The United States and Northwestern Fisheries*, Minneapolis, 1887; Stephen B. Stanton, *The Behring Sea Controversy*, New York, 1892; the official correspondence to be found in connection with the following messages of the President:—April 15, 1822, *American State Papers, Foreign Relations*, IV., 851–864,—December 13, 1824, *American State Papers, Foreign Relations*, V., 432–471,—February 12, 1889, *Senate Executive Documents*, 50th Congress, 2d Session, No. 106, and also *Foreign Relations* for 1888,—June 23, 1890, *House Executive Documents*, 51st Congress, 1st Session, No. 450, and also *Foreign Relations* for 1890,—June 6, 1891, *House Executive Documents*, 51st Congress, 2d Session, No. 144,—March 8, 1892, *Senate Executive Documents*, 52d Congress, 1st Session, No. 55,—March 23, 1892 (*pamphlet*).

#### 1790, Oct. 28. NOOTKA SOUND CONVENTION BETWEEN ENGLAND AND SPAIN.

ARTICLE III. . . . Between the two contracting parties it is agreed that their respective subjects shall not be disturbed nor molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there: the whole subject, nevertheless, to the restrictions and provisions specified in the three following articles:

ARTICLE IV. His Britannic majesty engages to take the most effectual measures to prevent the navigation and fishery of his subjects in the Pacific Ocean, or in the South Seas, from being made a pretext for illicit trade with the Spanish settlements; and, with this view, it is moreover expressly stipulated, *that British subjects shall not navigate or carry on their fishery*

in the said seas within the space of ten sea leagues from any part of the coasts already occupied by Spain.—*Annual Register*, 1790, p. 304.

1793, Nov. 8. SECRETARY JEFFERSON TO MR. GENET,  
FRENCH MINISTER.

The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles; and the smallest distance, I believe, claimed by any nation whatever, *is the utmost range of a cannon-ball*, usually stated at one sea league.—Wharton, *Digest of the International Law of the U. S.*, I. § 32, p. 100.

1796, Sept. 2. SECRETARY PICKERING TO THE GOVERNOR  
OF VIRGINIA.

Our jurisdiction has been fixed (at least for the purpose of regulating the conduct of the Government in regard to any events arising out of the present European war) to extend three geographical miles (or nearly three and a half English miles) from our shores, with the exception of any waters or bays which are so land-locked as to be unquestionably within the jurisdiction of the United States, be their extent what they may.—Wharton, *Digest of the International Law of the U. S.*, I. § 32, p. 100.

1799. UKASE OF EMPEROR PAUL OF RUSSIA.

[The text has not been found in the correspondence. The Marquis of Salisbury, in a dispatch to Sir Julian Pauncefoot of Aug. 2, 1890, says of it:]

It appears from the published papers that in 1799 the Emperor Paul I. granted by charter to the Russian-American Company the exclusive right of hunting, trade, industries, and discoveries of new land on the northwest coast of America, from Behring's Strait to the fifty-fifth degree of north latitude, with permission to the company to extend their discoveries to the south and to form establishments there provided they did not encroach upon the territory occupied by other powers.

The southern limit thus provisionally assigned to the com-

pany corresponds, within twenty or thirty miles, with that which was eventually agreed upon as the boundary between the British and Russian possessions. It comprises not only the whole American coast of Behring's Sea, but a long reach of coast line to the south of the Alaskan peninsula as far as the level of the southern portion of Prince of Wales Island.

The charter, which was issued at the time of the great European excitement, attracted apparently little attention at the moment and gave rise to no remonstrance. It made no claim to exclusive jurisdiction over the sea, nor do any measures appear to have been taken under it to restrict the commerce, navigation, or fishery of the subjects of foreign nations.—*Foreign Relations*, 1890, p. 456.

1821, Sept. 4. UKASE OF EMPEROR ALEXANDER I. OF  
RUSSIA.

(American Translation.)

SECTION I. The transaction of commerce, and the pursuit of whaling and fishing, or any other industry on the islands, in the harbors and inlets, and, in general, all along the north-western coast of America from Behring Strait to the fifty-first parallel of northern latitude, and likewise on the Aleutian Islands and along the eastern coast of Siberia, and on the Kurile Islands; that is, from Behring Strait to the southern promontory of the island of Urup, viz., as far south as latitude forty-five degrees and fifty minutes north, are exclusively reserved to subjects of the Russian Empire.

SECTION II. Accordingly, no foreign vessel shall be allowed either to put to shore at any of the coasts and islands under Russian dominion as specified in the preceding section, or even to approach the same to within a distance of less than one hundred Italian miles. Any vessel contravening this provision shall be subject to confiscation with her whole cargo.—*Foreign Relations*, 1890, p. 439.

1822, Feb. 25. SECRETARY ADAMS TO RUSSIAN MINISTER  
POLETICA.

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the *assertion of a territorial claim* on the part of Russia, extending

to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within one hundred Italian miles of the shores to which that claim is made to apply. . . . It was expected before any act which should define the boundaries between the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.—*American State Papers, Foreign Relations*, IV. 871.

1822, Feb. 28. RUSSIAN MINISTER POLETICA TO SECRETARY ADAMS.

I shall be more succinct, sir, in the exposition of the motives which determined the Imperial Government to prohibit foreign vessels from approaching the northwest coast of America belonging to Russia within the distance of at least one hundred Italian miles. This measure, however severe it may at first view appear, is, after all, but a measure of prevention. It is exclusively directed against the culpable enterprises of foreign adventurers, who, not content with exercising upon the coasts above mentioned an illicit trade very prejudicial to the rights reserved entirely to the Russian-American Company, take upon them besides to furnish arms and ammunition to the natives in the Russian possessions in America, exciting them likewise in every manner to resistance and revolt against the authorities there established. . . . Pacific means not having brought any alleviation to the just grievances of the Russian-American Company against foreign navigators in the waters which environ their establishments on the northwest coast of America, the Imperial Government saw itself under the necessity of having recourse to the means of coercion, and of measuring the rigor according to the inveterate character of the evil to which it is wished to put a stop. . . .

I ought, in the last place, to request you to consider, sir, that the Russian possessions in the Pacific Ocean extend, on the northwest coast of America, from Behring Strait to the *fifty-first degree of north latitude*, and on the opposite side of *Asia*, and the islands adjacent, from the same strait to the forty-



fifth degree. The extent of sea, of which these possessions form the limits, comprehends all the conditions which are ordinarily attached to *shut seas* (*mers fermées*), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities.—*American State Papers, Foreign Relations*, IV. 862.

1822, Mar. 30. SECRETARY ADAMS TO RUSSIAN MINISTER POLETICA.

This pretension is to be considered not only with reference to the question of territorial right, but also to that prohibition to the vessels of other nations, including those of the United States, to approach within one hundred Italian miles of the coasts. From the period of the existence of the United States as an independent nation, their vessels have freely navigated those seas, and the right to navigate them is a part of that independence.

With regard to the suggestion that the Russian Government might have exercised the right of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea, in latitude 51° north, is not less than ninety degrees of longitude, or four thousand miles.

As little can the United States accede to the justice of the reason assigned for the prohibition above mentioned. The right of the citizens of the United States to hold commerce with the aboriginal natives of the northwest coast of America, without the territorial jurisdiction of other nations, even in arms and munitions of war, is as clear and indisputable as that of navigating the seas.—*American State Papers, Foreign Relations*, IV. 863.

1822, Nov. 1. SECRETARY ADAMS ON THE RUSSIAN CLAIM.

I received a dispatch from H. Middleton, our minister at *St. Petersburg*, dated 20th August, relating entirely to the

Northwest Coast controversy. The Baron de Tuyl is coming out as minister from Russia, charged with a proposal for negotiating on the subject. Speransky, now Governor-General of Siberia, told Middleton that they had at first thought of declaring the Northern Pacific Ocean a "*mare clausum*," but afterward took the one hundred Italian miles from the thirty leagues in the Treaty of Utrecht, which is an exclusion only from a fishery, and not from navigation.—John Quincy Adams, *Memoirs*, VI. 93.

1823, July 17. SECRETARY ADAMS TO BARON TUYL, RUSSIAN MINISTER.

Baron Tuyl came, . . . I told him especially that we should contest the right of Russia to *any* territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for *any* new European colonial establishments. We had a conversation of an hour or more, at the close of which he said that although there would be difficulties in the negotiation, he did not foresee that they would be insurmountable.—John Quincy Adams, *Memoirs*, VI. 163.

1823, July 22. SECRETARY ADAMS TO MINISTER RUSH.

Mr. Paletica answered by alleging first discovery, occupancy, and uninterrupted *possession*.

It appears upon examination that these claims have no foundation on fact. . . .

As yet, however, the only useful purpose to which the northwest coast of America has been or can be made subservient to the settlements of civilized men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have hitherto been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested

against the Russian Imperial Ukase of September 4 (16th), 1821.—*American State Papers, Foreign Relations*, V. 446, 447.

1823, July 22. SECRETARY ADAMS TO MINISTER  
MIDDLETON.

From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude, on the Asiatic coast, to the latitude of fifty-one north on the western coast of the American continent; and they assume the right of interdicting the navigation and the fishery of all other nations to the extent of one hundred miles from the whole of the coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain *islands* north of the fifty-fifth degree of latitude, and have no existence on the continent of America.—*American State Papers, Foreign Relations*, V. 436.

1824, April 17. TREATY BETWEEN THE UNITED STATES  
AND RUSSIA.\*

\* Official translation from the original, which is in the French language.

ARTICLE I. It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II. With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the

citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the northwest coast.

ARTICLE III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV. It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.—*Treaties and Conventions of the United States*, ed. of 1889, pp. 431, 432.

1824, Dec. 8. GEORGE CANNING TO STRATFORD CANNING.

The pretensions of the Russian ukase of 1821, to exclusive dominion over the Pacific, could not continue longer unrepented without compelling us to take some measure of public and effectual remonstrance against it.

The right of the subjects of His Majesty to navigate freely in the Pacific cannot be held as a matter of indulgence from any power. Having once been publicly questioned it must be publicly acknowledged.—*Foreign Relations*, 1890, p. 464.

1825, Feb. 28/16. CONVENTION BETWEEN GREAT  
BRITAIN AND RUSSIA.

ARTICLE I. It is agreed that the respective subjects of the high contracting Parties shall not be troubled or molested, in any part of the ocean commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing

at such parts of the coast as shall not have been already occupied, in order to trade with the natives, under the restrictions and conditions specified in the following articles.

ARTICLE II. In order to prevent the right of navigating and fishing, exercised upon the ocean by the subjects of the high contracting Parties, from becoming the pretext for an illicit commerce, it is agreed that the subjects of His Britannic Majesty shall not land at any place where there may be a Russian establishment on the Northwest coast.

ARTICLE III. The line of demarkation between the possessions of the high contracting Parties; upon the coast of the continent, and the islands of America to the Northwest, shall be drawn in the manner following.—*Foreign Relations*, 1890, p. 503.

1863, Aug. 10. SECRETARY SEWARD TO MR. TAESSARA,  
SPANISH REPRESENTATIVE.

The undersigned would observe, in the first place, that there are two principles bearing on the subject which are universally admitted, namely, first, that the sea is open to all nations, and secondly, that there is a portion of the sea adjacent to every nation over which the sovereignty of that nation extends to the exclusion of every other political authority.

A third principle bearing on the subject is also well established, namely, that this exclusive sovereignty of a nation, thus abridging the universal liberty of the seas, extends no farther than the power of the nation to maintain it by force, stationed on the coast, extends. This principle is tersely expressed in the maxim *Terræ dominium finitur ubi finitur armorum vis*.—Wharton, *Digest of the International Law of the U. S.*, I. § 32, p. 102.

1867, Mar. 30. TREATY WITH RUSSIA FOR THE CESSION  
OF ALASKA.

ARTICLE I. His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the

same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28/16, 1825. . . .

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence from the intersection of that meridian in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian. . . .

ARTICLE VI. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.—*Treaties and Conventions of the United States*, ed. of 1889, pp. 939-941.

#### 1870, July 1. ACT OF CONGRESS ON SEAL FISHING.

That it shall be unlawful to kill any fur-seal upon the islands of St. Paul and St. George, or in the waters adjacent thereto,

except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of fire-arms, or use of other means tending to drive the seals away from the said islands: *Provided*, That the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months. . . . The Secretary of the Treasury shall lease, for the rental mentioned in Section six of this act, to proper and responsible parties, to the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, the parties heretofore engaged in trade, and the protection to the seal fisheries, for a term of twenty years from the first day of May, eighteen hundred and seventy, the right to engage in the business of taking fur-seals on the islands of St. Paul and St. George.—*United States Statutes at Large*, XVI. 180, 181.

1872, Apr. 19. SECRETARY BOUTWELL TO COLLECTOR  
PHELPS.

Your letter of the 25th ultimo was duly received, calling the attention of the Department to certain rumors circulating in San Francisco, to the effect that expeditions are to start from Australia and the Hawaiian Islands, to take fur-seals on their annual migration to the islands of St. Paul and St. George through the narrow pass of Oonimak. You recommend, to cut off the possibility of evil resulting to the interests of the United States from these expeditions, that a revenue cutter be sent to the region of Oonimak Pass, by the 15th of May next. . . . I do not see that the United States would have the jurisdiction or power to drive off parties going up there for that purpose, unless they made such attempt within a marine league of the shore.—*Senate Executive Documents*, 50 Cong., 2 Sess., No. 106, pp. 139, 140.

1875, Jan. 22. SECRETARY FISH TO BRITISH MINISTER  
THORNTON.

We have always understood and asserted that, pursuant to *public law*, no nation can rightfully claim jurisdiction at sea.

beyond a marine league from its coast.—Wharton, *Digest of the International Law of the U. S.*, § 32, p. 105.

1875, Dec. 1. SECRETARY FISH TO MR. BOKER.

There was reason to hope that the practice which formerly prevailed with powerful nations regarding seas and bays usually of large extent near their coast as closed to any foreign commerce or fishery not specially licensed by them, was, without exception, a pretension of the past, and that no nation would claim exemption from the general rule of public law which limits its maritime jurisdiction to a marine league from its coast. We should particularly regret if Russia should insist on any such pretension.—Wharton, *Digest of the International Law of the U. S.*, I. § 32, p. 106.

1881, Mar. 12. ACTING SECRETARY FRENCH TO MR.  
D'ANCONA.

You inquire into the interpretation of the terms "waters thereof" and "waters adjacent thereto," as used in the law, and how far the jurisdiction of the United States is to be understood as extending.

Presuming your inquiry to relate more especially to the waters of western Alaska, you are informed that the treaty with Russia of March 30, 1870, by which the Territory of Alaska was ceded to the United States, defines the boundary of the Territory so ceded. This treaty is found on pages 671 to 673 of the volume of treaties of the Revised Statutes. It will be seen therefrom that the limit of the cession extends from a line starting from the Arctic Ocean and running through Behring Strait to the north of St. Lawrence Islands. The line runs thence in a southwesterly direction, so as to pass midway between the island of Attou and Copper Island of the Kromanboski couplet or group in the North Pacific Ocean, to meridian of 193 of west longitude. All the waters within that boundary to the western end of the Aleutian Archipelago and chain of islands are considered as comprised within the waters of Alaska Territory.—*Senate Executive Documents*, 50 Cong., 2 Sess., No. 106, p. 281.



1886, May 28. SECRETARY BAYARD TO SECRETARY MANNING.

We may, therefore, regard it as settled, that so far as concerns the eastern coast of North America, the position of this Department has uniformly been that the sovereignty of the shore does not, so far as territorial authority is concerned, extend beyond three miles from low-water mark, and that the seaward boundary of this zone of territorial waters follows the coast of the mainland, extending where there are islands so as to place round such islands the same belt. This necessarily excludes the position that the seaward boundary is to be drawn from headland to headland, and makes it follow closely, at a distance of three miles, the boundary of the shore of the continent or of adjacent islands belonging to the continental sovereign.—Wharton, *Digest of the International Law of the U. S.*, § 32, pp. 107, 108.

1886, Oct. 4. JUDGE DAWSON'S CHARGE IN THE "ONWARD" CASE.

All the waters within the boundary set forth in this treaty to the western end of the Aleutian archipelago and the chain of islands are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits heretofore described.

If, therefore, the jury believe from the evidence that the defendants by themselves or in conjunction with others did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska or in the Behring Sea, east of the 193d degree of west longitude, the jury should find the defendants guilty.—Stanton, *The Behring Sea Controversy*, 7.

1886, Oct. 21. MINISTER WEST TO SECRETARY BAYARD.

I have the honor to inform you that I am now instructed by the Earl of Iddesleigh, Her Majesty's principal secretary of state for foreign affairs, to protest in the name of Her Majesty's Government against such seizure, and to reserve all rights to compensation.—*Foreign Relations*, 1888, p. 1746.

1887, Jan. 26. ATTORNEY-GENERAL GARLAND TO JUDGE  
DAWSON.

I am directed by the President to instruct you to discontinue any further proceedings in the matter of the seizure of the British vessels *Carolena*, *Onward*, and *Thornton*, and discharge all vessels now held under such seizure and release all persons that may be under arrest in connection therewith.—*Foreign Relations*, 1888, p. 1801.

1887, Sept. 15. CANADIAN MINISTER FOSTER'S REPORT.

It is respectfully submitted that this condition of affairs is in the highest degree detrimental to the interests of Canada, and should not be permitted to continue. For nearly two years Canadian vessels have been exposed to arbitrary seizure and confiscation in the pursuit of a lawful occupation upon the high seas, and Canadian citizens subjected to imprisonment and serious financial loss, while an important and remunerative Canadian industry has been threatened with absolute ruin. This course of action has been pursued by United States officers in opposition to the contention in the past of their Government in regard to the waters in which these seizures have taken place, in violation of the plainest dictates of international law and in the face of vigorous protests of both the Canadian and British Governments.—*Foreign Relations*, 1888, p. 1800.

1889, Mar. 2. ACT OF CONGRESS ON TERRITORIAL  
JURISDICTION.

SECTION 3. That section nineteen hundred and fifty-six of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Behring Sea; and it shall be the duty of the President, at a timely season in each year, to issue his proclamation and cause the same to be published for one month in at least one newspaper, if any such there be published, at each United States port of entry on the Pacific coast, warning all persons against entering said waters for the purpose of violating the provisions of said section; and he shall also cause one or more vessels of the United States to diligently cruise

said waters and arrest all persons, and seize all vessels found to be, or to have been, engaged in any violation of the laws of the United States therein.—*United States Statutes at Large*, XXV. 1009, 1010.

1890, Jan. 22. SECRETARY BLAINE TO BRITISH MINISTER  
PAUNCEFOTE.

In the opinion of the President, the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that was in itself *contra bonos mores*, a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and the people of the United States. To establish this ground it is not necessary to argue the question of the extent and nature of the sovereignty of this Government over the waters of the Behring Sea; it is not necessary to explain, certainly not to define, the powers and privileges ceded by His Imperial Majesty the Emperor of Russia in the treaty by which the Alaskan territory was transferred to the United States. The weighty considerations growing out of the acquisition of that territory, with all rights on land and sea inseparably connected therewith, may be safely left out of view, while the grounds are set forth upon which this government rests its justification for the action complained of by Her Majesty's Government.

It cannot be unknown to Her Majesty's Government that one of the most valuable sources of revenue from the Alaskan possessions is the fur-seal fisheries of the Behring Sea. Those fisheries had been exclusively controlled by the Government of Russia, without interference or without question, from their original discovery until the cession of Alaska to the United States in 1867. From 1867 to 1886 the possession in which Russia had been undisturbed was enjoyed by this Government also. There was no interruption and no intrusion from any source. Vessels from other nations passing from time to time through Behring Sea to the Arctic Ocean in pursuit of whales had always abstained from taking part in the capture of seals.

This uniform avoidance of all attempts to take fur-seal in those waters had been a constant recognition of the right held and exercised first by Russia and subsequently by this Gov-

ernment. It has also been the recognition of a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to their extinction. This is not only the well-known opinion of experts, both British and American, based upon prolonged observation and investigation, but the fact has also been demonstrated in a wide sense by the well-nigh total destruction of all seal fisheries except the one in the Behring Sea, which the Government of the United States is now striving to preserve, not altogether for the use of the American people, but for the use of the world at large. . . .

Whence did the ships of Canada derive the right to do in 1886 that which they had refrained from doing for more than ninety years? Upon what grounds did Her Majesty's Government defend in the year 1886 a course of conduct in the Behring Sea which she had carefully avoided ever since the discovery of that sea? By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire? . . .

The ground upon which Her Majesty's Government justifies, or at least defends, the course of the Canadian vessels, rests upon the fact that they are committing their acts of destruction on the high seas, viz., more than three marine miles from the shore line. It is doubtful whether Her Majesty's Government would abide by this rule if the attempt were made to interfere with the pearl fisheries of Ceylon, which extend more than twenty miles from the shore line and have been enjoyed by England without molestation ever since their acquisition. So well recognized is the British ownership of those fisheries, regardless of the limit of the three-mile line, that Her Majesty's Government feels authorized to sell the pearl-fishing right from year to year to the highest bidder. Nor is it credible that modes of fishing on the Grand Banks, altogether practicable but highly destructive, would be justified or even permitted by Great Britain on the plea that the vicious acts were committed more than three miles from shore.

There are, according to scientific authority, "great colonies of fish" on the "Newfoundland banks." These colonies resemble the seats of great population on land. They remain

stationary, having a limited range of water in which to live and die. In these great "colonies" it is, according to expert judgment, comparatively easy to explode dynamite or giant powder in such a way as to kill vast quantities of fish, and at the same time destroy countless numbers of eggs. Stringent laws have been necessary to prevent the taking of fish by the use of dynamite in many of the rivers and lakes of the United States. The same mode of fishing could readily be adopted with effect on the more shallow parts of the banks, but the destruction of fish in proportion to the catch, says a high authority, might be as great as ten thousand to one. Would Her Majesty's Government think that so wicked an act could not be prevented and its perpetrators punished simply because it had been committed outside of the three-mile line?

Why are not the two cases parallel? . . .

In this contention the Government of the United States has no occasion and no desire to withdraw or modify the positions which it has at any time maintained against the claims of the Imperial Government of Russia. The United States will not withhold from any nation the privileges which it demanded for itself when Alaska was part of the Russian Empire.—*Foreign Relations*, 1890, pp. 366-370.

1890, May 22. PRIME-MINISTER SALISBURY TO MINISTER PAUNCEFOTE.

It is an axiom of international maritime law that such action is only admissible in the case of piracy or in the pursuance of special international agreement. The principle has been universally admitted by jurists, and was very distinctly laid down by President Tyler in his special message to Congress, dated the 27th of February, 1843, when, after acknowledging the right to detain and search a vessel on suspicion of piracy, he goes on to say: "With this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, outside of the territorial jurisdiction."

Now, the pursuit of seals in the open sea, under whatever circumstances, has never hitherto been considered as piracy by any civilized state. Nor, even if the United States had gone so far as to make the killing of fur-seals piracy by their

municipal law, would this have justified them in punishing offenses against such law committed by any persons other than their own citizens outside the territorial jurisdiction of the United States.

In the case of the slave trade, a practice which the civilized world has agreed to look upon with abhorrence, the right of arresting the vessels of another country is exercised only by special international agreement, and no one government has been allowed that general control of morals in this respect which Mr. Blaine claims on behalf of the United States in regard to seal-hunting.

But Her Majesty's Government must question whether this pursuit can of itself be regarded as *contra bonos mores*, unless and until, for special reasons, it has been agreed by an international arrangement to forbid it. Fur-seals are indisputably animals *feræ naturæ*, and these have universally been regarded by jurists as *res nullius* until they are caught; no person, therefore, can have property in them until he has actually reduced them into possession by capture. . . .

First, as to the alleged exclusive monopoly of Russia. After Russia, at the instance of the Russian-American Fur Company, claimed in 1821 the pursuits of commerce, whaling, and fishing from Behring Straits to the fifty-first degree of north latitude, and not only prohibited all foreign vessels from landing on the coasts and islands of the above waters, but also prevented them from approaching within one hundred miles thereof, Mr. Quincy Adams wrote as follows to the United States minister in Russia:

"The United States can admit no part of these claims; their right of navigation and fishing is perfect, and has been in constant exercise from the earliest times throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions."

I now come to the statement that from 1867 to 1886 the possession was enjoyed by the United States with no interruption and no intrusion from any source. Her Majesty's Government can not but think that Mr. Blaine has been misinformed as to the history of the operations in Behring Sea during that period.

The instances recorded in Inclosure 1 in this dispatch are

sufficient to prove from official United States sources that from 1867 to 1886 British vessels were engaged at intervals in the fur-seal fisheries with the cognizance of the United States Government. . . .

Her Majesty's Government do not deny that if all sealing were stopped in Behring Sea except on the islands in possession of the lessees of the United States, the seal may increase and multiply at an even more extraordinary rate than at present, and the seal fishery on the island may become a monopoly of increasing value; but they cannot admit that this is sufficient ground to justify the United States in forcibly depriving other nations of any share in this industry in waters which, by the recognized law of nations, are now free to all the world.—*Foreign Relations*, 1890, pp. 420-423.

1890, May 29. SECRETARY BLAINE TO MINISTER  
PAUNCEFOTE.

I am instructed by the President to protest against the course of the British Government in authorizing, encouraging, and protecting vessels which are not only interfering with American rights in the Behring Sea, but which are doing violence as well to the rights of the civilized world. They are engaged in a warfare against seal life, disregarding all the regulations which lead to its protection, and committing acts which lead ultimately to its destruction.—*Foreign Relations*, 1890, p. 425.

1890, June 30. SECRETARY BLAINE TO MINISTER  
PAUNCEFOTE.

Mr. Adams protested not against the ukase of Paul, but against the ukase of Alexander; not wholly against the ukase of Alexander, but only against his extended claim of sovereignty southward of the continent to the fifty-first degree north latitude. In short, Mr. Adams protested, not against the old possessions, but only against the new pretensions of Russia on the northwest coast of America—pretensions to territory claimed by the United States and frequented by her mariners since the peace of 1783. . . . It is very plain that Mr. Adams's phrase "the continent of America," in his reference to Russia's posses-

sions, was used in a *territorial* sense, and not in a *geographical* sense. He was drawing the distinction between the territory of "America" and the territory of the "Russian possessions." Mr. Adams did not intend to assert that these territorial rights of Russia had no existence on the continent of North America. He meant that they did not exist as the ukase of the Emperor Alexander had attempted to establish them—southward of the Aleutian peninsula and on that distinctive part of the continent claimed as the territory of the United States. "America" and the "United States" were then, as they are now, commonly used as synonymous.

The Government of the United States has steadily maintained that in neither of these treaties with Russia was there any attempt at regulating or controlling, or even asserting an interest in, the Russian Possessions and the Behring Sea, which lie far to the north and west of the territory which formed the basis of the contention.

These treaties were therefore a practical renunciation, both on the part of England and the United States, of any rights in the waters of Behring Sea during the period of Russia's sovereignty. They left the Behring Sea and all its coasts and islands precisely as the ukase of Alexander in 1821 left them, that is, with a prohibition against any vessel approaching nearer to the coast than one hundred Italian miles, under danger of confiscation. The original ukase of Alexander (1821) claimed as far south as the fifty-first degree of north latitude, with the inhibition of one hundred miles from the coast applying to the whole.

But the one-hundred-mile restriction performed the function for which it was specially designed in preventing foreign nations from molesting, disturbing, or by any possibility sharing in the fur trade. The fur trade formed the principal, almost the sole, employment of the Russian-American Company.

It only remains to say that whatever duty Great Britain owed to Alaska as a Russian province, whatever she agreed to do, or to refrain from doing, touching Alaska and the Behring Sea, was not changed by the mere fact of the transfer to the United States. It was explicitly declared, in the sixth article of the treaty by which the territory was ceded by Russia, that "the cession hereby made conveys all the rights,



franchises, and privileges now belonging to Russia in the said territory or dominions and appurtenances thereto." Neither by the treaty with Russia of 1825, nor by its renewal in 1843, nor by its second renewal in 1859, did Great Britain gain any right to take seals in Behring Sea.—*Foreign Relations*, 1890, pp. 439, 440.

1890, Aug. 2. PRIME-MINISTER SALISBURY TO MINISTER PAUNCEFOTE.

You will state that Her Majesty's Government have no desire whatever to refuse to the United States any jurisdiction in Behring's Sea which was conceded by Great Britain to Russia, and which properly accrues to the present possessors of Alaska in virtue of treaties or the law of nations; and that if the United States Government, after examination of the evidence and arguments which I have produced, still differ from them as to the legality of the recent captures in that sea, they are ready to agree that the question, with the issues that depend upon it, should be referred to impartial arbitration.—*Foreign Relations*, 1890, p. 465.

1890, Dec. 17. SECRETARY BLAINE TO MINISTER PAUNCEFOTE.

Great Britain contends that the phrase "Pacific Ocean," as used in the treaties, was intended to include, and does include, the body of water which is now known as the Behring Sea. The United States contends that the Behring Sea was not mentioned, or even referred to, in either treaty, and was in no sense included in the phrase "Pacific Ocean." If Great Britain can maintain her position that the Behring Sea at the time of the treaties with Russia of 1824 and 1825 was included in the Pacific Ocean, the Government of the United States has no well-grounded complaint against her. If, on the other hand, this Government can prove beyond all doubt that the Behring Sea, at the date of the treaties, was understood by the three signatory Powers to be a separate body of water, and was not included in the phrase "Pacific Ocean," then the American case against Great Britain is great and undeniable.

The dispute prominently involves the meaning of the phrase "northwest coast," or "northwest coast of America." Lord

Salisbury assumes that the "northwest coast" has but one meaning, and that it includes the whole coast stretching northward to the Behring Straits. The contention of this Government is that by long prescription the "northwest coast" means the coast of the Pacific Ocean south of the Alaska Peninsula, or south of the sixtieth parallel of north latitude; or, to define it still more accurately, the coast from the northern border of the Spanish possessions, ceded to the United States in 1819, to the point where the Spanish claims met the claims of Russia, viz., from 42° to 60° north latitude. . . . Russia practically withdrew the operation of the ukase of 1821 from the waters of the northwest coast of the Pacific Ocean, but the proof is conclusive that it was left in full force over the waters of the Behring Sea. . . . It is easy to prove from other sources that in the treaty between the United States and Russia the coast referred to was that which I have defined as the "northwest coast" of the Pacific Ocean south of 60° north latitude, or, as the Russians for a long time believed it, 59° 30'. We have in the Department of State the originals of the protocols between our minister at St. Petersburg, Mr. Henry Middleton, and Count Nesselrode, of Russia, who negotiated the treaty of 1824. . . . We feel justified in asking His Lordship if the Government of Great Britain has uniformly illustrated these precepts by example, or whether she has not established at least one notable precedent which would justify us in making greater demands upon Her Majesty's Government touching the Behring Sea than either our necessities or our desires have ever suggested. . . . Napoleon was promptly sent by Great Britain to the island of St. Helena as a prisoner for life. Six months after he reached St. Helena the British Parliament enacted a special and extraordinary law for the purpose of making his detention more secure. . . . The statute . . . forbids them to "hover within eight leagues of the coast of the island." The penalty for hovering within eight leagues of the coast is the forfeiture of the ship to His Majesty the King of Great Britain, on trial to be had in London, and the offenses to be the same as if committed in the county of Middlesex. . . .

The repeated assertions that the Government of the United States demands that the Behring Sea be pronounced mare

*clausum*, are without foundation. The Government has never claimed it and never desired it. It expressly disavows it. At the same time the United States does not lack abundant authority, according to the ablest exponents of International law, for holding a small section of the Behring Sea for the protection of the fur-seals. Controlling a comparatively restricted area of water for the one specific purpose is by no means the equivalent of declaring the sea, or any part thereof, *mare clausum*. Nor is it by any means so serious an obstruction as Great Britain assumed to make in the South Atlantic, nor so groundless an interference with the common law of the sea as is maintained by British authority to-day in the Indian Ocean. —*Foreign Relations*, 1890, pp. 477, 480, 484, 496, 500.

1891, June 15. MODUS VIVENDI BETWEEN GREAT BRITAIN  
AND THE UNITED STATES.

1. Her Majesty's Government will prohibit, until May next, seal killing in that part of Behring Sea lying eastward of the line of demarcation described in Article No. 1 of the treaty of 1867 between the United States and Russia, "and will promptly use its best efforts to insure the observance of this prohibition by British subjects and vessels."

2. The United States Government will prohibit seal killing for the same period in the same part of Behring Sea, and on the shores and islands thereof, the property of the United States (in excess of 7,500 to be taken on the islands for the subsistence and care of the natives), and will promptly use its best efforts to insure the observance of this prohibition by United States citizens and vessels.

3. Every vessel or person offending against this prohibition in the said waters of Behring Sea outside of the ordinary territorial limits of the United States, may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be handed over as soon as practicable to the authorities of the nation to which they respectively belong, who shall alone have jurisdiction to try the offense and impose the penalties for the same. . . .

4. In order to facilitate such proper inquiries as Her Majesty's Government may desire to make, with a view to the *presentation of the case* of that Government before arbitrators,

and in expectation that an agreement for arbitration may be arrived at, it is agreed that suitable persons designated by Great Britain will be permitted at any time, upon application, to visit or to remain upon the seal islands during the present sealing season for that purpose.—*Senate Executive Documents*, 52 Cong., 1 Sess., No. 55, p. 46.

1892, Feb. 29. DECISION OF THE SUPREME COURT OF THE UNITED STATES IN THE SAYWARD CASE.

The record . . . shows that officers of the United States, acting under the advice of their Government, seized this vessel engaged in catching seal. . . .

How did it happen that the officers received such orders? It must be admitted that they were given in the assertion on the part of this Government of territorial jurisdiction over Behring Sea to an extent exceeding fifty-nine miles from the shores of Alaska; that this territorial jurisdiction in the enforcement of the laws protecting seal fisheries was asserted by actual seizures during the seasons of 1886, 1887, and 1889 of a number of British vessels; that the Government persistently maintains that such jurisdiction belongs to it, based not only on the peculiar nature of the seal fisheries and the property of the Government in them, but also upon the position that this jurisdiction was asserted by Russia for more than ninety years, and by that Government transferred to the United States; and that investigations are pending upon the subject. . . .

In this case Her Britannic Majesty's attorney-general of Canada has presented, with the knowledge and approval of the Imperial Government of Great Britain, a suggestion on behalf of the claimant. . . . We are not insensible to the courtesy implied in the willingness thus manifested that this court should proceed to a decision on the main question argued for the petitioner; . . . but it is very clear that, presented as a political question merely, it could not fall within our province to determine it.—*Ex parte Cooper*, 12 *Supreme Court Reporter*, 459, 461.

1892, Feb. 29. AGREEMENT FOR AN ARBITRATION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

ARTICLE VI. In deciding the matters submitted to the arbitrators, it is agreed that the following five points shall be

submitted to them, in order that their award shall embrace a distinct decision upon each of the said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia, and what rights, if any, in the Behring's Sea, were held and exclusively exercised by Russia after said treaty?

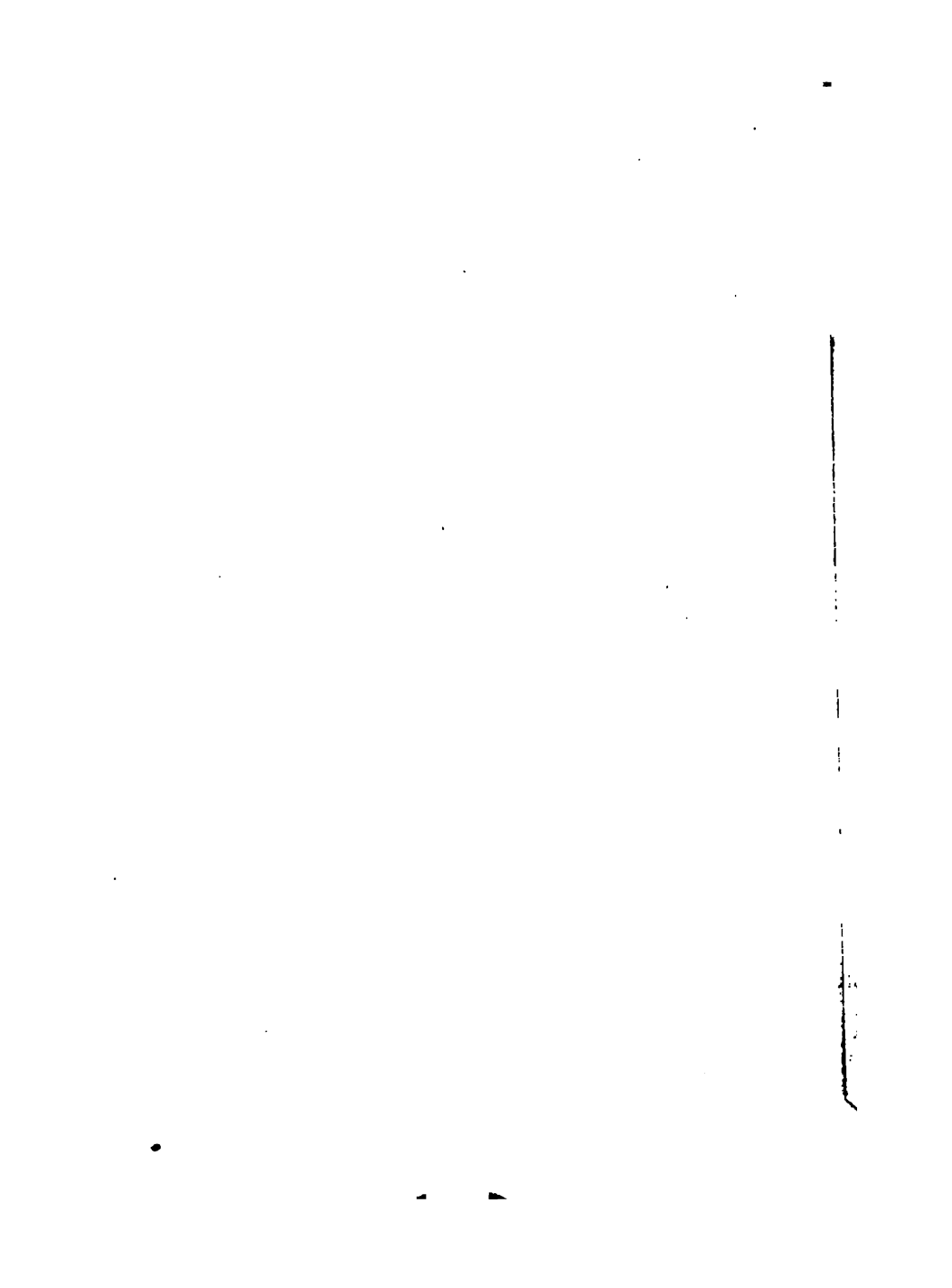
4. Did not all the rights of Russia as to the jurisdiction and as to the seal fisheries in Behring's Sea east of the water boundary, in the treaty between the United States and Russia of the 30th of March, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right, of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit?

ARTICLE VII. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend; and to aid them in that determination the report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit. The high contracting Parties furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations.—*Senate Executive Documents*, 52 Cong., 1 Sess., No 55, p. 4.









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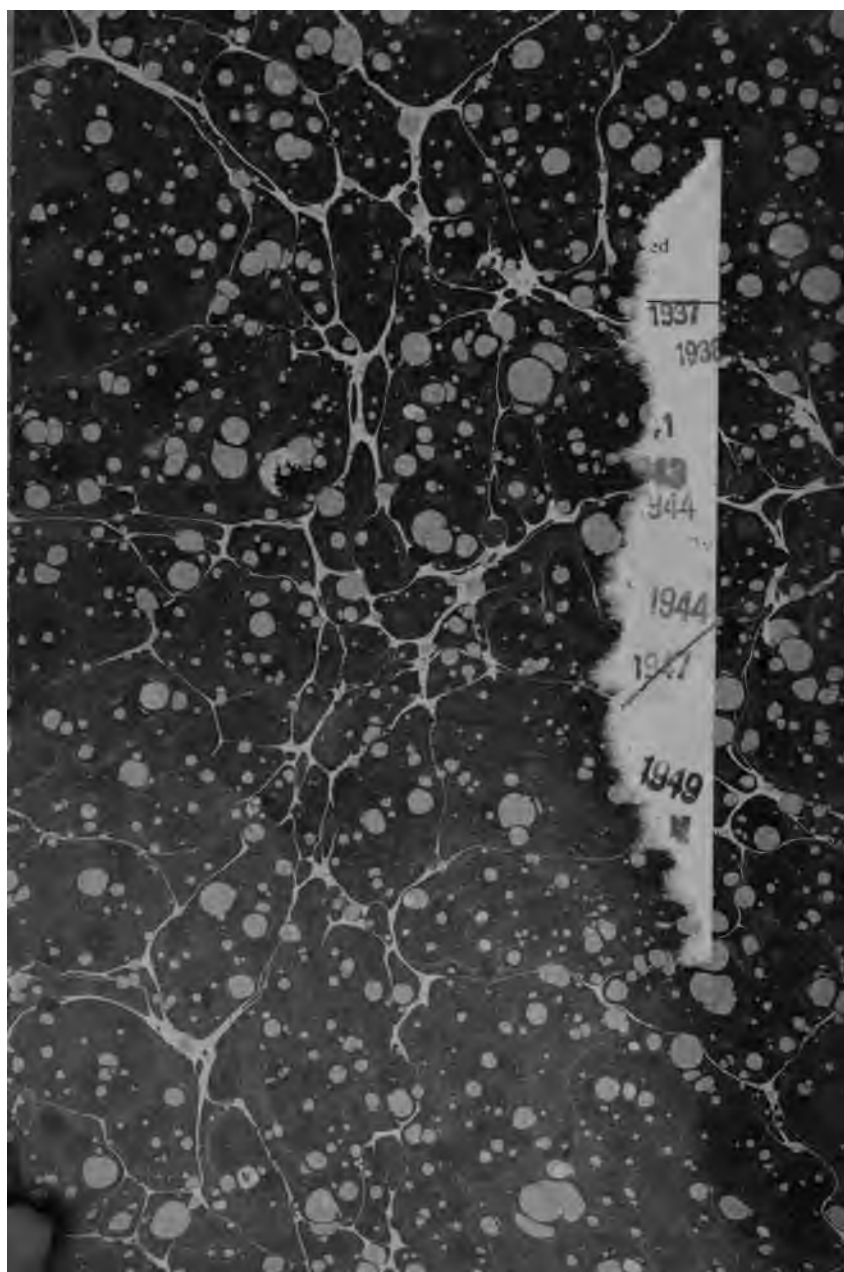
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